

Simplified Labor Management Procedures

In accordance with the requirements of ESS 2, simplified LMP were developed for the project. The LMP set out the ways in which the PIU will manage all project workers in relation to the associated risks and impacts. The objectives of the LMP are to: Identify the different types of project workers that are likely to be involved in the project; identify, analyze and evaluate the labor-related risks and impacts for project activities; provide procedures to meet the requirements of ESS 2, ESS 4 and applicable Afghan legislation.

The simplified LMP will be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other Environmental and Social Standards in general and ESS4 in particular.

The following categories of workers have been identified for the project. The LMP will apply for all categories:

Table below shows Worker Categories

Category	Description
Direct Workers	Workers employed directly by UNOPS, including staff and consultants.
Contracted Workers	People engaged through third parties to perform work related to core functions of the project, regardless of location. Under this category are included, employees of any non-governmental implementers, including international or national NGOs, CSOs or contractors.
Primary Supply Workers	People engaged by UNOPS, NGOs or contractors as primary suppliers. These include, for example, suppliers of road rehabilitation materials like gravel or other goods required.
Community Workers	People employed or engaged in providing community-based project interventions.

The LMP will apply to project workers including full time, part-time, temporary and seasonal. The forecast of the types of workers required per Project component is as follows:

Component 1: Emergency Livelihoods Support and Services in Rural Areas: Direct workers from UNOPS for the management and supervision of activities; contracted workers from the FPs and contractors for the implementation of activities (including construction / rehabilitation activities); primary supply workers for construction and rehabilitation activities; and community workers for LiWs and cash-for work activities.

Component 2: Emergency Livelihoods Support and Services in Urban Areas: Direct workers from UNOPS for the management and supervision of activities and well as for the implementation of activities; contracted workers from the FPs and contractors for the implementation of activities (including construction / rehabilitation activities); primary supply workers for construction and rehabilitation activities; and community workers for LiWs and cash-for work activities.

Table below shows the Labor Risk and Impact Assessment

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures to be reflected in contract documents
ESS2: Labor and working conditions		
Poor working conditions: unsafe work environment	Due to the protracted conflict in Afghanistan and the weakness of formal justice institutions, employees' working conditions may be poor and the project needs to ensure that such working conditions are not acceptable. The impact is significant in that it may manifest in exploitation of the very community that the project intends to benefit, i.e. community workers, but also contracted workers may be affected.	Supervision of contractor Labor Management Practices is essential to mitigate against this risk. A Contractor checklist will be used. The project will ensure through rigorous workers' GRM are in place, so that workers can articulate violations of their rights and receive redress.
Poor working conditions: violation of workers' rights	The implementation of the existing articles in practice may not be very strong, given the weak judicial system	The project will ensure through the workers' GRM that workers can articulate violations of their rights and receive redress.
Use of child labour	Minimum age of employment in Afghanistan is 18.	The project will only allow deployment- in all project worker categories - from the age of 18. The project will require the Implementation of age verification procedures by contractors for all its prospective employees
Worst forms of child labour	Children are deployed in worst forms of child labor, including in armed conflict, commercial sexual exploitation, and forced labor in the production of bricks and carpets. .	The project will only allow deployment- in all project worker categories - from the age of 18. The project will require the Implementation of age verification procedures by contractors for all its prospective employees
Injuries at the workplace	The employer is obligated to provide adequate measures for health & safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances However, PPE may be scarce for contracted workers or community workers, and health and safety regulations may not exist or not be enforced.	Contractor occupational risk assessments and mitigation plans will be devised and implemented. Implementation of OHS Plan
ESS4: Community Safety and Health		
Labor influx and GBV	There is likely to be internal movement of people from areas outside the project areas to seek employment and associated benefits from within targeted communities. Furthermore, there is a small chance that contracted workers may be brought into communities to conduct construction works. Population movement due to labor influx may result in GBV/SEA cases.	All contractors will implement the Labor Influx Management Procedure; a SEA/SH Action Plan will be implemented. Implementation of code of conducts to be signed by project workers and enforced by all contractors

Key Procedures: The project is guided by the recognition of the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. It will promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. UNOPS, FPs/NGOs and contractors will ensure the full accomplishment of the objectives of ESS2. For ease of reference, all employers will be referred to as 'contractors'. This will exclude UNOPS.

Recruitment and Replacement Procedure: The objective of this procedure is to ensure that the recruitment process and placement of contracted workers (see procedure below for community workers) is conducted in a manner which is non-discriminatory and employees are inducted to all essential work-related matters.

1. Hiring entity submits a recruitment plan to the PIU for review and approval. The following details will be shown;
 1. Number of staff required
 2. Intended working condition
 3. Intended locations of staff
 4. Job specifications in terms of qualification and experience.
2. Hiring entity publishes the job invitation in the appropriate media (local press or direct invitation for contracted workers, or word of mouth through local leaders for community workers) to ensure all potential candidates have access to the information, including women, actively addressing risks of nepotism.
3. Shortlist and recruit candidates ensuring the following;
 1. As much as possible, 50 per cent shortlisted candidates are women.
 2. As much as possible, 50 per cent engaged employees are women.
 3. Screen off candidates under the age of 18 years.
4. On recruitment, ensure a contract of employment is signed voluntarily, for both direct and contracted workers.
5. Before commencement of work, hiring entity will ensure employee is inducted on the essential work related issues which include the following;
 1. Key Job Specifications
 2. Terms and Conditions of Employment
 3. Special Codes of Conduct
 4. Disciplinary Procedures
 5. Workers' Grievance Mechanism
 6. Freedom to join and participate fully in Workers Association activities or Trade Union
 7. Key Environmental and Social aspects of the project and the ESMF
 8. Emergency Preparedness
6. Maintain all such employment records available for review by the PIU, the World Bank, or Regulatory Authority.

Occupational Health and Safety (OHS) Procedures: The objective of the procedure is to achieve and maintain a healthy and safe work environment for all project workers (contracted workers and community workers) and the host community.

1. On procurement for contractors, the PIU will avail the ESMF to the aspiring contractors so that contractors include the budgetary requirements for OHS and community health and safety measures in their respective bids.
2. The contractor will develop and maintain an OHS management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety.
3. Contractor will adopt all E&S risk mitigation measures proposed for the subproject.
4. Contractor appoints an appropriately qualified and experienced Safety, Health and Environmental Officer whose responsibilities is to advise the employer on OHS related issues.
5. Contractor provides preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances informed by assessment and plan.
6. Contractor provides for appropriate training/induction of project workers and maintenance of training records on OHS subjects.
7. Contractor documents and reports on occupational accidents, diseases and incidents as per ESMF guidance.
8. Contractor provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to workplace accidents, workplace illnesses, flooding, fire outbreak, disease outbreak, labor unrest and security.
9. Contractor shall maintain all such record for activities related to the safety health, social and environmental management for inspection by the PIU, the World Bank, or the TPMA.

Contractor Management Procedure: The objective of this procedure is to ensure that the PIU has contractual power to administer oversight and action against contractor noncompliance with the LMP.

1. The PIU shall avail all related documentation to inform the contractor about requirements for effective implementation of the LMP.
2. Before submitting a bid for any contract, the contractor shall incorporate the requirements of the ESMF, including the LMP.
3. Contractor to provide a Labor Recruitment Plan
4. Contractor to ensure all workers sign a Code and Conduct
5. Contractor to show evidence of OHS and Emergency Preparedness procedures
6. Contractor to submit the progress reports on the implementation of the mitigation measures, including those of the LMP, and allow the PIU access to verify the soundness of the contractor's implementation of the requirements of the LMP.
7. Where appropriate, the PIU may withhold contractor's payment until corrective action(s) is/are implemented on significant noncompliance of the LMP. The following are some of the noncompliance that contractors need to take note of:

- Failure to submit mandatory monthly & quarterly progress report.
- Failure to avail for inspection specified documentation pertaining to the implementation of risk mitigation measures.
- Failure to notify and submit incident and accident investigation report in a timely manner.
- Failure to appoint or replace a competent and experienced EHS officer
- Recruitment of nontechnical staff from outside the local community.

Procedure for Primary Suppliers: The objective of the procedure is to ensure that labor-related risks, especially child and forced labor as well as serious safety issues to the project from primary supply workers are managed in line with the requirements of ESS2.

The PIU and all contractors/implementers will undertake the following measures: Procure supplies from legally constituted suppliers. The legal registration ensures that the company is legally obliged to comply with all applicable labor laws in Afghanistan, which makes it possible to assume mainstreaming of the labor laws within the supplier's firm. This will include ensure evidence of: certificate of incorporation; make a physical check on the supplier's labor management system, including OHS, any past work related environmental or occupational incidents, age restrictions (18 and above), employment is voluntary.

Procedure for Community Workers: The objective of this procedure is to ensure the community workers offer their labor voluntarily and that they are agreeable to the terms and conditions of employment.

The PIU, FPs and contractors using community workers will apply the following guidelines when dealing with community workers:

1. FPs and contractors have to produce a recruitment plan and have it reviewed and approved by the PIU.
2. FPs and contractors have to meet and document resolution of meeting with community on the intended community workers recruitment. The resolution shall include details on nature of work, working times, age restrictions (18 and above), remuneration amount, method of payment, timing of payment, individual signatory or representative signatory of meeting resolution, employment is voluntary, community CoC.
3. Contractors will have the terms and conditions discussed, explained, negotiated and documented through joint community meetings, with each community employee showing consent through appending of their signature and the resolutions or signing the attendance register of the meeting which made the employment resolutions.
4. FPs and contractors have to Induct community workers on key LMP issues, including SEA/SH, project GRM, OHS, HIV awareness, and safe use of equipment and lifting techniques.

Procedure for Non-Discrimination and Equal Opportunity: The objective of this procedure is to ensure that recruitment and treatment of project workers is based on the principle of equal opportunity and fair treatment.

The PIU, FPs and contractors will apply the following guidelines when dealing with workers:

1. There will be no discrimination with respect to any aspects of the employment relationship, such as: Recruitment and hiring; Compensation (including wages and benefits; Working conditions and terms of employment; Access to training; Job assignment; Promotion; Termination of employment or retirement; Or disciplinary practices
2. Harassment, intimidation and/or exploitation will be prevented or addressed appropriately
 - a. Special measures of protection and assistance to remedy discrimination or selection for a particular job will not be deemed as discrimination.
 - b. Vulnerable project workers will be provided with special protection.

Grievance Redress Mechanism for all Workers: All workers, including community workers will apply the Project GRM to register any work-related grievances. Workers are encouraged to solve matters with their respective employer where possible. However, all types of workers can apply the Project GRM at any time, where grievances can be filed directly with the IP or the PIU (in cases where they concern an IP or contractor).