

REPUBLIC OF RWANDA



**RWANDA URBAN DEVELOPMENT PROJECT
(RUDP II)**

LABOR MANAGEMENT PROCEDURES (LMP)

May, 2020

ACRONYMS

CAE: Child Abuse/Exploitation

CoK: City of Kigali

ESF: Environmental and Social Framework

ESMF: Environmental and Social Management Framework

ESIA: Environmental and Social Impact Assessment

ESMP: Environmental and Social Management Plan

GVB: Sexual and Gender Based Violence

GoR: Government of Rwanda

GRM: Grievance Redress Mechanism

LMP: Labor Management Procedure

LODA: Local Administrative Entities Development Agency

MININFRA: Ministry of Infrastructure

MINALOC: Ministry of Local Government

MIFOTRA: Ministry of Public Service and Labor

OHS: Occupational Health and Safety

PIU: Project implementation unit

PMU: Project Management Unit

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LABOR MANAGEMENT PROCEDURES (LMP)

RWANDA URBAN DEVELOPMENT PROJECT (RUDP II)

1. INTRODUCTION

The Labor Management Procedures (LMP) document is part of a manual for the environmental and social management of the RWANDA URBAN DEVELOPMENT PROJECT (RUDP II). It is prepared following the requirements of the Labor, Occupational Health and Safety, contracting of workers regulations of Rwanda and the Environmental and Social Framework of the World Bank, the Environmental and Social Standard 2 (ESS2) in particular.

The present Labor Management Procedures has been prepared by a team of the Government of Rwanda (Ministry of Infrastructure, LODA, REMA, CoK) to set up the mandatory procedures to be followed in the implementation of the RUDP II project interventions in relation to labor, health and safety, among other topics. The agreements, protocols and procedures here described are mandatory for the implementation of RUDP -II, thus all team members hired and assigned to work in the project will have to become familiar with this document and ensure its application during the project lifetime (5 years).

The LMP defines the Labor Management procedures as required by the Environmental and Social Framework of the World Bank, and its Environmental and Social Standard 2 which scope includes:

- 1-Labor and contracts
- 2-Management of workers
- 3-Occupational Health and Safety
- 4-Access of information and grievances mechanisms

ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can 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.

2. PROJECT DESCRIPTION

The PDO for RUDP -II is “to improve access to basic services, strengthen urban management and enhance resilience in the City of Kigali and the six secondary cities of Rwanda.”

A summary of proposed project components and estimated cost is provided below

Component 1: Support to the City of Kigali

This component will support: (i) integrated urban planning for resilient, inclusive infrastructure delivery, and (ii) evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring in Kigali.

Subcomponent 1a: Integrated urban planning for resilient, inclusive infrastructure delivery

This subcomponent will support the comprehensive upgrading of four unplanned settlements in Kigali (Mpazi, Gatenga, Nyagatovu and Nyabisundu), including detailed designs, construction supervision and ESF instruments. The investment menu will include roads, pedestrian walkways, streetlights, storm water drainage, as well as more comprehensive water supply and sanitation infrastructure and community facilities such as community centers, public parks and playgrounds and local market improvements, to enhance living conditions and improve basic infrastructure and service delivery. These infrastructure investments will be designed to climate-resilient standards. Proposals would also endeavor to incorporate nature-based solutions to infrastructure provision.

In addition, the project will finance the provision of flood risk reduction infrastructure in flood-prone areas located near the upgrading sites to mitigate erosion, reduce and manage storm water run-off along settlements, enhance wetland buffer zones, and address flood hotspots. Investments will include the rehabilitation of culverts, channels, and drains, as well as implementation of suitable nature-based solutions (NBS) to increase infiltration capacity, retain storm water and reduce the speed of storm water runoff. A storm water management master plan for the City of Kigali will also be developed building on the hydrologic/hydrodynamic analysis carried out during project preparation. The main outcome will be a long-term prioritization of investments for a resilient storm water management system for the city, including its wetlands, that will enable acceptable and optimum safety against flood risks for the current situation in Kigali, as well as for a 2040 scenario as the city continues to densify, expand and encounter various climate and disaster risks. A system for monitoring rainfall, water level and discharge data, as well as a detailed digital terrain model (DTM) (e.g. LiDAR) and aerial photographs of CoK’s projected urban development area in the coming 20 years will be financed and used as input data (see Subcomponent 1b) to the storm water management master plan.

This subcomponent will also support institutional capacity development (ICD) of the city to strengthen its economic and spatial planning for efficient infrastructure and service provision in view of optimal allocation of space and resources. Support to CoK will focus on two main urban management functions: (i) implementation of the CoK master plan through detailed area planning, sites and services schemes and capital investment planning, and (ii) revenue and expenditure enhancement.

Subcomponent 1b: Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring

This subcomponent will support the design, implementation and monitoring of green and gray infrastructure for wetland rehabilitation and flood risk reduction in the Gikondo and Nyabugogo wetlands, as well as the wetland linking these wetlands. Works will focus on the Gikondo wetland, but the scope of interventions will be expanded from ecological restoration activities to include support for excavation and removal of foundations, construction of basic recreational infrastructure, and formalizing stormwater outlets. Technical assistance will also be provided to identify potential impact-driven, innovative financing options for private sector engagement around environmental sustainability in the wetland sites. Green investment planning would, for example, include recommendations such as provision of wetland space for small and medium entrepreneurs to develop tourism development and recreational purposes, and support efforts to prevent water contamination and degradation in the future.

A LiDAR and photogrammetric survey will also be undertaken to produce a Digital Elevation Model (DEM) and a base map of the City of Kigali. It will also serve as input data for the SWMMP study in Subcomponent 1a. This survey will cover the complete urbanized area of Kigali, as well as urban development areas planned for the coming 20 or even 30 years. Besides flood management, the resulting DEM and aerial photographs will serve multiple purposes, including urban planning, land registration, road planning and design, and urban upgrading, among others. Finally, the subcomponent will support the development of a greenhouse gas (GHG) accounting and reporting framework to address GHG emissions from multiple sectors including the wetlands, solid waste, transport and buildings.

Component 2: Support to Secondary Cities

This component will support: (i) infrastructure and service delivery, and (ii) institutional capacity development of secondary cities.

Subcomponent 2a: Infrastructure and service delivery in secondary cities

This subcomponent will support infrastructure investments in secondary cities in two phases (Phases 3 and 4). While Phase 3 will support prioritized roads and drainage

investments that have already been identified, Phase 4 will predominantly support infrastructure upgrading in unplanned settlements with possible offsite infrastructure (e.g. drainage and roads) to ensure that infrastructure upgraded in the settlements function efficiently.

Subcomponent 2b: Institutional capacity development of secondary cities

The project will support the establishment and functioning of the proposed CMOs. Once established, the project will help CMOs will prepare medium-term (five-year) and annual ICD plans for urban management in order to identify institutional/capacity constraints and bottlenecks to urban management, propose measures to address them, and spell out capacities to be built in order to improve on urban management. In addition, CMOs will receive support to implement the master plans for their respective secondary cities. Master plan implementation will be focused on the development of detailed area plans for one or more unplanned settlements in each city.

Component 3: Institutional Capacity Development and Project Management

This component will support: (i) institutional capacity development at the national level, and (ii) finance project managements costs of MININFRA PCU, LODA SPIU, CoK KUUT, REMA SPIU, as well as two project staff within District PIUs.

Subcomponent 3a: Institutional capacity development at national level

This subcomponent is comprised of the following activities, all of which will be led by MININFRA in coordination with other relevant ministries such as MINALOC and RHA: (i) development of a roadmap for sub-national implementation and monitoring of the National Urbanization Policy; (ii) implementation of the National Housing Policy and National Informal Settlement Upgrading Strategy through a stocktaking of existing upgrading pilots, guidelines for urban upgrading and strategy development for scaling up sites and services schemes benefitting low-income households; (iii) development of a national solid waste management strategy and feasibility studies for waste disposal facilities in secondary cities.

Subcomponent 3b: Project management

Project management activities to be supported include fiduciary (financial management and procurement), environmental and social management, implementation supervision, contract management, monitoring and evaluation (M&E), and communication and citizen engagement. This component will finance project staffing in MININFRA, LODA, CoK, REMA, and PIUs at the district level expected to be staffed each with a project focal person (preferably with a background in urban planning or an engineer) and an Environmental And Social Management Specialist.

Component 4: Contingency Emergency Response Component (US\$ 0)

In accordance with the World Bank Policy on Investment Project Financing dated November 10, 2017, Paragraph 12 and 13 for situations of urgent need of assistance, the project includes as a project-specific Contingent Emergency Response Component (CERC). CERC will allow for the rapid reallocation of project funds in the event of a natural or man-made crisis during implementation of the project to address eligible emergency needs under the conditions established in an operational manual (to be prepared during project preparation). This component can either have no funding allocation initially or draw resources from other expenditure categories at the time of its activation or a set amount of funding allocated up front. This can be discussed and agreed with the government during project preparation.

3. OBJECTIVES OF THIS LMP

A Labor Management procedure is one of the key instruments required under the World Bank ESF under its standard ESS2. The LMP will guide the project on how to minimize potential labor risks during the project implementation, such labor risks include labor influx, child labor, associated Gender based violence, occupation health and safety risks and any other employment risk.

This Labor Management Procedures will follow the objectives set up in the ESS2: Objectives

- To promote safety and health at work.
- To promote the fair treatment, nondiscrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
- To prevent the use of all forms of forced labor and child labor.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

The LMP applies to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2 (Labor and Working Conditions) to the Project in the following manner:

- People employed or engaged directly by the GoR to work specifically in relation to the Project, recruited in accordance with the normal recruitment procedures of contractual staff in public service.

- People employed or engaged by contractors to perform work related to core function of the project.
- People working in borrow pits, quarry sites and construction materials suppliers in general.

4. INSTITUTIONAL ARRANGEMENTS AND CAPACITY FOR APPLICATION of the LMP

To ensure successful management of project workers there is a need to clearly define roles and responsibilities of key players and stakeholders from the national to community level.

1. Project Implementation Labor Management

RUDP II will largely retain the existing implementation arrangements as under the ongoing RUDP I. Overall project coordination will remain the responsibility of MININFRA given its institutional mandate for policy and coordination on urbanization. An Environmental and Social Management Coordinator will be recruited at MININFRA to be part of the coordination team with a focus on the coordination of ESF implementation activities including the LMP requirements. Under MININFRA, there will be three Project Implementing Unities (PIUs) at national level to oversee the implementation of the two main components. The PIUs at national level include the City of Kigali and REMA for component 1 (CoK for subcomponent 1a and REMA for subcomponent 1b) and LODA for component 2. All the three PIUs will have an Environmental and Social Management Unit comprising an Environmental Specialist and a Social Safeguards Specialist who will be in charge of overseeing the implementation of the LMP and other ESF related matters. The full description of the institutional arrangement for the environmental and social management of RUDP- II are described in the ESMF and the project Operational Manual.

The ESF team in LODA and CoK and have been directly involved in the implementation of RUDP I and since the effectiveness of the ESF, the whole RUDP-II ESF team including REMA have participated in several trainings on ESF requirements and have gained much familiarity with the instruments. Nevertheless, they still need more empowerment in this regard alongside the new staff that will be recruited in the six secondary cities.

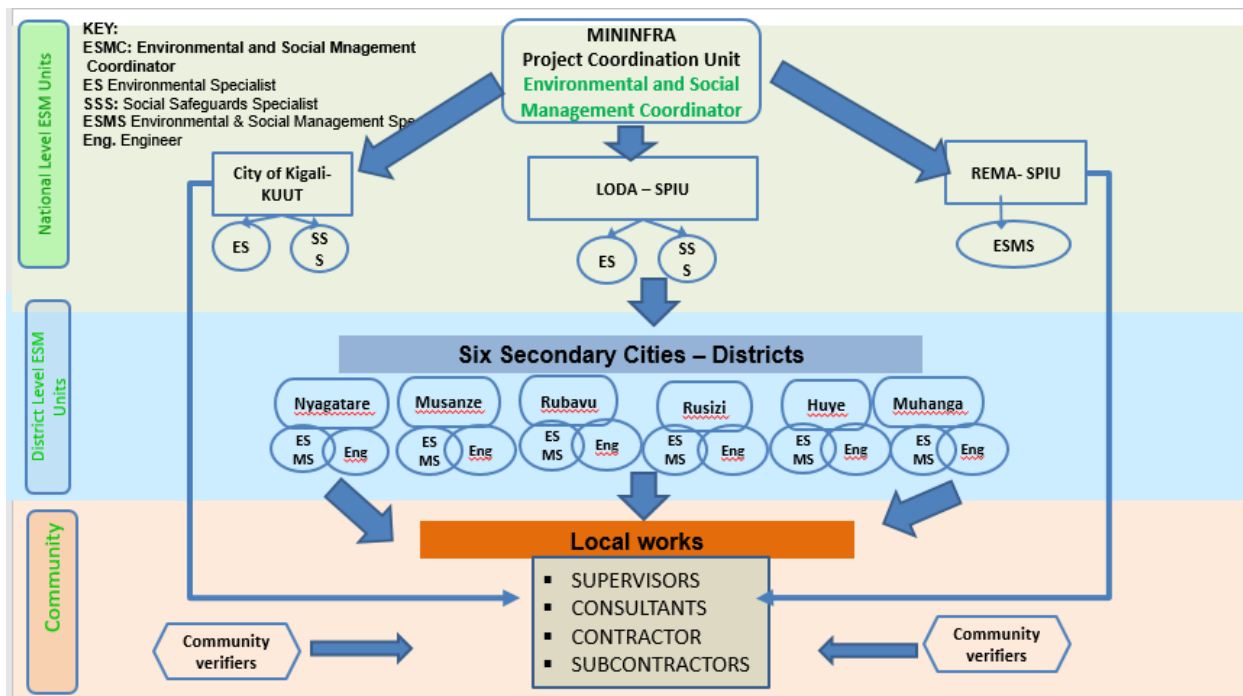
2. Project Implementation Unit (PIU)/Districts for component 2

Under component 2, the six secondary cities will lead the implementation of these investments and will be responsible to report to LODA and MININFRA in the application and implementation of all ESF instruments, including the present LMP. The District Office of the six Secondary Cities will therefore play a key role in day to day monitoring of the works. The District has the responsibility to enforce compliance with the LMP through direct interactions with contractors and workers and their representatives. They will be in a good position to witness first hand labor-working conditions and supervise the compliance and monitor the level of labor influx if any and advice on how to reduce it or appropriately

manage its potential impacts. The project has agreed with the World Bank that in order to support the districts which are engaged in many other projects and considering lessons learned from current RUDP-I implementation which indicate the limited time they have to allocate to the supervision of the project works, there is a need to hire with funds of RUDP-II: one staff who will have to play a mixed role of Environmental and Social Management Specialist. The Environmental and Social Management Specialist will coordinate closely with the District Environmental Officer, Social protection officer and the District Land Officer and District Engineer. The ESMS through a direct collaboration with the Directorate of labor inspection at District level, regular monitoring will be ensured and arising grievances assessed and processed in accordance with relevant laws.

The terms of reference for these consultants are defined in the ESMF and in the Operational manual of the project. The ESMS will coordinate closely with the Local Engineer, Supervising company, contractors (all hired by the project), and the national team in LODA to enforce compliance with this LMP and other project ESF instruments (ESMF, SEP, ESCP, RPF) and national regulations.

Figure 1: LMP Implementation arrangements



3. Contractors

The contractors in accordance with contract specific Labor Management Plans, will have primary responsibility for work place health and safety as set out in national and international standards. They will be required to respect guidelines provided in this LMP,

implementation of which will be supervised by CoK and REMA for component 1 and 6 secondary cities in direct collaboration with LODA for component 2. Regular incident reports will be submitted by contractors on a monthly basis or at shorter intervals as defined by specific Plans. The detailed approach is described in the following sections.

Occupational Health and Safety: In addition to the environmental and social standards personnel, Contractors must appoint at least one safety focal person at each site who will be supervising a bigger safety team depending on site characteristics and will be working with the established OHS committee as required by article 78 of the labor law. The safety focal person ensures the day-to-day compliance with specified safety measures and records of any incidents and report them to the Occupational Safety and Health Committee for appropriate follow up. Minor incidents are reported to the respective PIU on a monthly basis, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately.

Labor and working conditions: Contractors will keep records in accordance with specifications set out in this LMP. PIUs may at any time conduct a site inspection to verify that labor conditions are being respected and will review records at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

4. Roles and responsibilities of community verifiers

Community verifiers will consist of local authorities, Community grievance committees and upgrading committees in informal settlements. Their main responsibilities in terms of monitoring labor and working conditions will consist of the following:

- To ensure that no underage children are being employed on the project and raise a red flag where there is suspicion.
- Ensure that there is no discrimination and no corruption in hiring workers and alert relevant authorities and the PIUs in particular where this kind of practice is suspected for further investigation.
- Closely monitor the level of community health and safety and inform relevant authorities where there is violation for immediate actions.
- Ensure that no GBV and sexual harassment behaviors in the project and inform relevant authorities for further professional intervention and response.

5. LABOR AND CONTRACTING LEGAL AND REGULATORY FRAMEWORK

Various national policies, laws, international treaties ratified by Rwanda and systems are applicable to the implementation of this project. Such requirements are summarily outlined in this LMP.

5.1 Environmental and Social Standard 2(Ess2): Labor and Working Conditions

The World Bank's requirements related to labor are outlined in Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) under the ESF. This helps the Borrowers in promoting 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. Key objectives of the ESS2 are to:

- Promote safety and health at work;
 - Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
 - Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
 - Prevent the use of all forms of forced labor and child labor;
 - Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and
 - Provide project workers with accessible means to raise workplace concerns.
- ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.
- The Government of Rwanda as Borrower is responsible for developing and implementing written labor management procedures applicable to the project. These procedures set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers.

- Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.
- The employment of project workers will be based on the principle of equal opportunity and fair treatment, and 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.

5.2 Brief overview of labour legislation in Rwanda

The working conditions in Rwanda are governed by the Law N° 66/2018 of 30/08/2018 regulating Labor and its implementing orders. This Law applies all aspect of labor be it formal and informal sectors and provides guidelines related to relationship between an employee and his/her employer in regard to: contract, wages and others benefits, working environment, working hours and different types of allowed leaves which the employee is entitled to. This law also sets standards in terms of employment age and prohibits all form of forced labor, discrimination and sexual harassment. More specifically, RUDP II will trigger the following articles thought out it life cycle:

Article 11 of the law provides guidelines on the conclusion of an employment and provides options for written and unwritten contracts provided that whichever of both has proof. In light of this, an employment contract for RUDP workers shall be fixed and in written form with specification of employment terms and conditions and shall be signed off by the employer and employee so as to avoid any conflict or dispute that may arise in relation to this.

Article 10. According to **article 40 of the labor law**, the rights of an employee include the following:

1^o to work in an environment where health and safety in the workplace are guaranteed; to receive equal salary for works of equal value without discrimination of any kind; to be provided leave as provided for by Law; to join a trade union of his/her choice; to be trained by his/her employer; and to receive information relevant to his/her work.

Article 43. In terms of working hours, RUDP II will **respect Article 43 of the law which sets 45** as the maximum working hours per week however provides a window for extra hours for an employee upon the agreement with his or her employer on appropriate compensation for the overtime and leaves the responsibility to prepare daily timetable for work hours and break for an employee to the employer. According to article 44 an employer provides an employee with a break of not less than twenty-four (24) hours a week. Articles 45,51,56 expand on the type of leave that an employee is entitled including circumstantial, sick leave, maternity leave among others.

Article 67. As demanded by **Article 67**, employers on RUDP II will pay the employee the whole salary to which he/she is entitled and deposits it on an account given by the employee in writing in a bank or in a financial institution recognised in accordance with the provisions on payment intervals of the written contract signed by the 2 which could be every day for an employee employed on hourly or daily basis, every week for an employee recruited for a week, every fifteen days for an employee recruited for a fortnight and every month for employee recruited on a one-month basis.

In terms of social security, an employer shall affiliate direct workers to Rwanda Social Security Board (RSSB) for occupational risks and pension.

Article 102. Concerning the settlement disputes, RUDP II will enforce **Article 102** which puts forward amicable settlement. It states that employees' representatives amicably settle individual labor disputes between employers and employees. If employees' representatives fail to settle the disputes amicably, the concerned party refers the matter to the labor inspector of the area where enterprise is located then to the national level if no settlement is reached. The next steps shall be competent courts.

Article 12. Apart from foreign consultant who might be contracted to perform specific duties that might require special expertise that cannot be sourced locally, in this project, the likelihood of migrant workers is very low. Nevertheless, in the event of their employment, provisions of the law regulating labour in Rwanda and other relevant laws on these matters shall be applied especially **article 12** the Law N° 66/2018 of 30/08/2018. Foreign consultants will be governed by the law N°57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda which provides for the matters relating to residence permit for foreign employee.

Article 9. The recruitment of project workers will be free from any kind of discrimination as provided for by the Law regulating Labour in Rwanda especially in its **article 9** stipulating that "An employer must give employees equal opportunities at the workplace". "An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin color or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of

discrimination. Every employer must pay employees equal salary for work of equal value without discrimination of any kind". The same provision of the law will also be applicable in case of any labour influx occurrence.

Article 6. Within the framework of prohibiting child labor RUDP will conform **to article 6** of the labor law that sets the minimum age of employment at 16 and prohibits the employment of underage children in dangerous environments.

Article 7 prohibits any form of forced labour, **article 8** prohibits sexual harassment in workplace. Sexual harassment in any form against supervisee is prohibited. It is prohibited to dismiss an employee for having reported or testified on sexual harassment committed by his/her supervisor. If there is tangible evidence that an employee has resigned due to sexual harassment committed against him/her by his/her supervisor, his/ her resignation is considered as unfair dismissal. All project workers will sign a Code of Conduct.

5.3 Other international laws/treaties

Rwanda is a member of the International Labor Organization (ILO) hence it adheres to its standards. The national Law N° 66/2018 of 30/08/2018 regulating Labor in Rwanda was elaborated in reference to the International Labor Law. Therefore, this LMP was prepared and will be implemented in respect of the international labor standards. More specifically the following principles as set forth in the Declaration on Fundamental Principles and Rights at Work of 1998 will be respected:

- The right of workers to associate freely and bargain collectively
- The end of forced and compulsory labour
- The end of child labour
- The end of unfair discrimination among workers

6. TYPOLOGY OF WORKES THAT WILL BE POTENTIALLY PARTICIPATE IN RUDP II ACCORDING TO THE ESS2 AND NATIONAL REGULATIONS

6.1 Number of project workers:

Direct workers: The Project will employ consultants and support staff who will be working on contractual bases. Terms and conditions of these consultants are guided by Rwanda Labor Law. In addition, the civil servants at the local government level will be involved in the project implementation mostly on part time basis. A detailed list of potential direct project workers is hereunder:

i) Project Coordination (MININFRA) level

- National Project Coordinator, Environmental and Social Management Coordinator, Monitoring and Evaluation Specialist, Financial Management Specialist and Procurement Specialist.

ii) Project Implementation Unit(PIU) at National level¹

- LODA: Project Coordinator, Project Engineer, Monitoring and Evaluation Specialist, Procurement Specialist, Financial Management Specialist, Social Safeguard Specialist, Floating/consultants Engineers (2), Floating/ consultants Coaches (2).
- **CoK:** Coordinator, Environmental Specialist, Social Safeguards Specialist, Engineer, Financial Management Specialist and Procurement Specialist,
- **REMA:** Project Coordinator, Hydrologist Engineer, Ecology Specialist, Environmental and Social Management Specialist, Financial Management Specialist, Procurement Specialist and Monitoring and Evaluation Specialist.
- Environmental and Social consultants for preparation of ESIA/ESMP, RAPs, Audits, SESA, etc.

iii) Project Implementation Unit(PIU) at District level²

- **Secondary Cities** : District Engineer and Environmental and Social Management Specialists

Furthermore, the project will be supported by others government staffs such as: Internal Auditors, Legal Advisors, Human resource Officers, logistics officers and Administrative Assistants among others who will be working part time to support the implementation be it at coordination level and/or PIU at national level.

iv) Contractor level

Based on prior experience, the GoR estimates that **13,836** workers are necessary to complete civil works under RUDP II.

These will include direct workers on the contractors' side, semi-skilled or bricklayers/masons and helpers.

- a) **Skilled workers:** Basing on national procurement procedures and RUDP I experience in similar works, at least 14 contractors will be hired (6 for asphalt roads and 6 for standalone drainages for the 6 secondary cities plus 2 for the CoK including

¹ LODA staff, including Project staff and consultants, will remain subject to the terms and conditions as established by the national labor law and others laws. These conditions are outlined in the LMP.

² The Government civil servants especially at District level, who may provide support to the Project, will remain subject to the terms and conditions of their existing public service employment agreement or arrangement.

one for civil works related to unplanned settlements upgrading and food control measures and one for the rehabilitation of wetlands) each one of the contractors will have a professional team in charge of supervision of works on site. The team might include at least the following staffs: 1Project manager, 1Site Engineer, 1Construction manager, 1Material engineer, 1Surveyor, 1Lab technicians, 1 Operator, 1 Site supervisor, 1Clark of works, 1Social and Environmental health and Safety Specialist, One Social Specialist. These skilled workers are 10 per contractor then times 14(contractors) we have a total of **140** skilled workers.

- b) **Semi-skilled/Bricklayers:** commonly known as masons in the construction sector in Rwanda, these are skilled workers who are employed in construction activities especially as masonry builders, iron-men reinforcing concrete, wood-frame makers for concrete, construction painters. The estimate total number is **788**.
- c) **Helpers:** The term “helper” is used to name unskilled workers who help the masons to ensure that each skilled mason works at his/her best level of efficacy. They ensure that materials and tools are always available in time in the masons’ hands. They were estimated to be **12,918**.
- d) **Primary supply workers:** Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the Project. The project will require procurement of a substantial amount of materials such as sand, stones, oil, bitumen, electro-mechanical equipment such as electrical cables and power poles, protection and control equipment, steel products among others. The number of primary suppliers cannot be predicted at the moment but the LMP will be updated as soon civil works start to include them. These primary suppliers will be required to comply with the requirements of the LMP.

V) Community workers

The project will not engage community workers. The project will recruit semi-skilled and unskilled workers from local communities but all of them will be directly hired by contractors and employed on contractual basis and they will be paid fully basing on wage agreement in their contracts on the contrary of community workers who mostly work for free though community services as a commitment and contribution to the project.

6.2 Characteristics of project workers

- ✓ Direct workers will be recruited at central level and the semi-skilled (bricklayers/masons) and non-skilled labor will be sourced locally along specific sub-project locations.
- ✓ The works may include several contracts but all will be in compliance with the Rwandan legislation and WB ESF and all workers will have contracts.
- ✓ Women will have the same chance as men to be hired and work on the project.

- ✓ No type of discrimination in hiring will be allowed as further explained in sections related to labor law and regulations in Rwanda.
- ✓ As provided by the law, especially in the context of apprenticeship, children between 16-17 will be allowed to perform light works that not undermine their development. According to ESS 2 the project cannot hire children the age of 14.

6.3 Timing of Labor Requirements

The Civil works for this project are expected to start concurrently in the 6 secondary cities and the CoK and last for 24 months. However, since civil works evolve progressively from one type of work to another (excavation, compaction, masonry etc.) it is expected that at some point in time especially in the beginning, all the above proposed number of workers (13,836) might be working simultaneously across the country. The number is however expected to start decreasing by the time earth works such as excavation and masonry are completed since these 2 absorb the biggest portion of the labor force on the project. At the end of the civil works it is likely that at least 2/3 of the labor force will no longer be working on the project.

The table below attempts to detail the number of workers that will be needed on RUDP II component 3 which is restricted to the construction of roads and drainages that have already been definitively agreed on.

Table 1: estimation of workers for component 2 roads and drainage systems sub-projects

| Construction of 39.7 km of asphalt roads | | | | |
|---|----------------------------|----------------------------------|--------------------------------|---|
| Construction Phases | Category of Workers | Salary range per day(rwf) | Workers for 1km of road | Total number of workers for 39.7km |
| Clearing and Excavation | Helpers | 1500-2000 | 60 | 2,382 |
| | Bricklayers/masons | 5000-7000 | 4 | 159 |
| Mounting | Helpers | 1500-2000 | 60 | 2,382 |
| | Bricklayers/masons | 5000-7000 | 4 | 159 |
| Fine Grading | Helpers | | 60 | 2,382 |
| | Bricklayers/masons | 5000-7000 | 4 | 159 |
| Aggregate Base | Helpers | 1500-2000 | 30 | 1191 |
| | Bricklayers | 5000-7000 | 2 | 79 |
| Asphalt Paving | Helpers | 1500-2000 | 30 | 1191 |

| | | | | |
|--|--------------------|---------------|---|--------------------------------|
| | Bricklayers/masons | 5000-7000 | 2 | 79 |
| Cleaning and greening | Helpers | 1500-2000 | 20 | 794 |
| Construction of 11 km of standalone drainages | | | | |
| Phases | Type of workers | Salary range | Workers for 1 km of a standalone drainage | Total for 11km |
| Digging/Excavation: | Helpers | 1500-2000 | 60 | 660 |
| | Bricklayers | 5000-7000 | 4 | 44 |
| Concrete Blinding. | Helpers | 1500-2000 | 60 | 660 |
| | Bricklayers | 5000-7000 | 4 | 44 |
| Finishing | Helpers | 1500-2000 | 30 | 330 |
| | Bricklayers | 5000-7000 | 2 | 22 |
| Cleaning | Helpers | 1500-2000 | 15 | 165 |
| Construction of 10.5 km of footpaths | | | | |
| Phases | type of workers | 2000-2500 | NO of workers necessary to complete 1km of footpath | Total NO of workers for 10.5km |
| Construction | Helpers | 2500 | 60 | 630 |
| | Bricklayers | 7000 | 4 | 42 |
| Cleaning | Helpers | 2500 | 15 | 151 |
| Total number of workers | | 13,705 | | |

- The above estimates were made based on RUDP I experience as it implemented the same type of investments with more or less the same quantities. However, the numbers are not static because the contractors can decide to hire according to how they evaluate the amount of work under their contracts. A contractor can decide to hire a team of 100 workers for the construction of 1km and prefer to keep them for the rest of his contract which means that instead of hiring 500 workers for 5km he will use 100 and employ them on the 500km. The later method will result in a longer execution time.

- The above example is for component 2 (Infrastructure Delivery and Upgrading in Secondary Cities). Component 1(Support to the City of Kigali, subcomponent 1a, 1b) is likely to use the same number and type of workers as the same type of civil works are going to be implemented. Therefore, the total number of workers expected to work under RUDP II is 27,470. These workers will be distributed across the CoK and the 6 secondary cities at various investments sites.
- Workers at contractor level will be recruited prior to the commencement of civil works.

6.4 Contracted Workers

Apart from some highly specialized skills that might need to be sourced outside the country, most of the labor force will be sourced nationally following requirements of national legislation. All semi-skilled and non-skilled labor will be locally hired with a rationale to empower local communities economically while preserving social cohesion. All the workers will be directly hired without any intermediaries whatsoever. For the time being, the total number of contractors is not known yet since national procurement laws allow a contractor to be awarded more than one contract and subsequently the number of potential sub-contractors is not known as well, as their recruitment remain at the discretion of respective contractors. However, the LMP will continuously be updated as the project gains more clarity in terms of labor needs throughout implementation.

7. TERMS AND CONDITIONS OF AND HIRING EMPLOYMENT

7.1 Terms and conditions of hiring

(i) Non-discrimination and equal opportunity

The recruitment of project workers will be free from any kind of discrimination as provided for by the Law regulating Labour in Rwanda especially in its **article 9** stipulating that “An employer must give employees equal opportunities at the workplace”. “An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin color or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination. Every employer must pay employees equal salary for work of equal value without discrimination of any kind”. The same provision of the law will also be applicable in case of any labour influx occurrence.

(ii) Workers' organizations

In accordance with Article 83 of the labor law relating to employees' right to freedom of association on the rights of workers, a worker will have the right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker;

(iii) Age of employment

In addition to article 6 of the labor law which points out with a general outlook on various prohibited forms of work for the child, the ministerial instructions no 01/2017 of 17/11/2017 relating to prevention and fight against child labor in its article 9 states that a child aged between 16-17 may perform work like an adult of above 18 years as long as the work is not forced and is in compliance with national legislation. RUDP II presents no particular hazardous aspect that might prevent this category of children from working on it. The minimum age of employment for this project shall therefore be 16 years and to ensure compliance, all employees will be required to produce National Identification Cards as proof of their identity and age. This article is in compliance with ESS 2 paragraph 19 where a set of hazardous conditions for children are stated and subsequently prohibits their employment under those conditions. To be more cautious, all prohibited harmful or hazardous working conditions for children will be highlighted in the contract and the ESMP so that minimum age children can be hired to perform only light activities as provided by the law. The law as well provides a range of penalties that can be applied to any person who breaches the law in regard to child labor.

Contractors, suppliers and sub-contractors will be required to respect the above regulations and the Minister of Public Service and Labour, the MINALOC through local authorities who happen to be the project proponent for RUDP (District are the ultimate project implementation units) must enforce the Ministerial instructions on the Prevention and fight against child labor and reserve the right to conduct inspections as they wish.

Process that will be followed to verify the age of project workers

In accordance with the Law N° 66/2018 of 30/08/2018 regulating labor in Rwanda, through labor inspection, project personnel in charge of environment and social standards will inspect the workplace to ensure that there are no underage workers employed in the project and compliance with national and international labor standards. The environmental and social management specialist based at the District level will inspect construction sites on a monthly basis while those based at central level will carry out the monitoring activity which also inspect compliance vis-à-vis employment of labour with required age.

Apart from the ESF team at PIUs, non-government institutions and NGOs that are engaged in child protection are also welcome to collaborate and conduct their due diligence, provide guidelines, carry out awareness in the project area and raise a red flag where they find discrepancies and non-compliance with child protection good practices. The involvement of NGOs in child protection activities under RUDP II will be on a voluntary basis.

Procedure to be followed if underage workers are found working on the project

Article 117 of law regulating Labor in Rwanda states that the employment of underage children is criminal. In this project, if ever it was to be revealed that an employer has employed underage workers, the case will be reported to the concerned authorities and the employer will be prosecuted. The direct referee at grassroots level will be the grievance redress committees at community level. They will receive and record the case and refer it to the labor inspector of the area to handle it using appropriate legal mechanisms. In case the violation is confirmed by competent authorities, the sanctions provided by the Law in its articles 117, 119 and 121 will be applied.

7.2 Terms and conditions for employment

(i) Employment contracts

As stated in section 3 of this LMP the terms and conditions of employment in Rwanda are governed by the provisions of the Law of 2018 regulating labor in Rwanda which makes it mandatory for employers to give its employees work contracts. For this project, written agreements will be fostered over unwritten ones in a bid to better protect workers' rights and avoid unnecessary disputes. The contractor will submit copies of employment contracts to the PIUs environmental and social management unities and to District (labor inspector) and random inspections will be carried out to ensure compliance.

(ii) Wages

Except for the CoK, the common practice all over the country in the absence of a law on minimum wage sets daily wage for non-skilled labor between 1500-2000rwfs and 5000-7000rwfs for semi-skilled laborers(bricklayers/masons) while for the CoK minimum daily wage for non-skilled is between 2000-2500rwfs and 7000rwfs for semi-skilled. Therefore, unless better wages are negotiated between the contractor and workers, contractors will be required to comply with the common practice. In all cases, the most current local wages in the building and construction industry in reference to others ongoing or recently completed construction projects of the same caliber with RUDP II will be used as reference while negotiating and during monitoring of compliance by the labor inspectors and ESF teams. The law also allows collective bargaining and where employees will deem it necessary it will be done. In ensuring full compliance with the law in this regard, contractors will be required to

furnish Districts with copies of contract for all its workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to the District's labor inspector.

(iii) Working hours

Article 43 of the labor law provides reference for working hours. It states that the maximum working hours are forty-five (45) hours a week. However, an employee can work extra hours upon the agreement with his/her employer on subsequent compensation. The daily timetable for work hours and break for an employee is determined by the employer. The daily rest granted by the employer to the employee is not counted as work hours. During project course, 45 will be the standard for working hours, however, conditions for overtime will be discussed and agreed on between the contractors and workers so as to ensure that every side's rights are fulfilled.

(iv) Collective agreement

Collective agreements are allowed by article 91 of the labor law therefore at the wish of project workers collective bargaining and agreements will be conducted.

8. PROTECTING THE WORK FORCE

8.1 Labor

(i) Key labor risks

Potential risks that may arise from the nature of activities to be undertaken on RUDPII though very minor include:

- ✚ **Gender Based Violence (GBV):** RUDP II represents a boom for the communities in terms of employment opportunities hence the likelihood of labor influx which can increase dislocation of social construct and community structure and wellbeing. It contributes significantly to gender-based social impacts and risks including the rise in crime rate related to gender based violence. Moreover, Health threats including spread of communicable diseases such as HIV/AIDS and others STD in the project area increase as well and can lead to more gender based violence by triggering suspicion of misconduct between spouses or partners.
- ✚ **Child labor:** Most of civil works performed under RUDP demands a low level of professional skills especially for non-skilled labor hence the likelihood to attract underage children and enhance school drop out in the community.
- ✚ **Disputes over terms and conditions:** There is possibility of disagreement between workers and contractors over employment conditions such as wages, working hours, extra time remuneration etc.

(ii) Policies and procedures for labor risks

Gender Based Violence and sexual harassment

The contractors are obliged by the law to create and maintain an environment which prevents GBV and sexual harassment. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment. GBV constitutes acts of gross misconduct, providing grounds for sanctions, penalties and/or termination of employment. Subsequently there will be zero tolerance for any GBV on the work sites and in its surroundings. Sexual interactions by employees at any level with individuals under the age of legal consent, as defined in the applicable national legislation of the country are prohibited. In order to ensure compliance with the law and make possible the enactment of sanctions in case of non-compliance by an employee, all employees will sign a legally binding code of conduct. Given the sensitivity and the low level of understanding of GBV related matters in the community at large and the stigma attached to it; also taking into consideration the social and psychological damages that are usually associated with it, all cases of GBV will be handled through a special Internal Task Force for GBV. The task force will include project staff namely: Human resource officer and social safeguards specialist from the contractor, Social Safeguards Specialist from the concerned PIU (LODA, REMA CoK), Gender Monitoring Officer, Environmental and Social Safeguards Specialist from the District, Social Safeguards Specialist from the supervising firm, Women representative from the GRC at cell level and GBV service provider in the area of GBV prevention and handled referral pathways for the GBV survivors. The GBV service provider will be identified by a specific PIU depending on the project location. From there onward, all existing legal channels will be used and in case of conviction the perpetrator will be punished in accordance with the law. The same mechanism applies to any sexual interaction between employees with underage children. In any case, the PIUs through their respective Environmental and Social Management Unities will closely follow up on contractors.

In order to mitigate Health threats, employers will be required to comply with the following:

- ✓ Provision of sanitary and waste disposal facilities at each subproject site will be a requirement. Furthermore, awareness campaigns on communicable diseases such as HIV/AIDS will be held regularly on construction sites both for project workers and local communities at large. Trainings on GBV will be provided regularly to the workers and the community at large.

- ✓ **Contractors will be urged to hire non-skilled and semi-skilled workers from local communities. This will significantly empower local communities economically while preserving social cohesion as well.**

✓

Child labor and minimum age

Various measures will put in place to prevent and control child labor. These measures include the establishment of project Grievance Redress Committees at community level. In the event of identification of child labor or forced labor cases, it will be reported to the above committees from cell level to the District through the Sector and membership of these committees will include local authorities at Cell, Sector and District level and elected representatives from the workers and the community. The labor law also provides for penal and administrative penalties in case of non-compliance with labor provisions.

Disputes over terms and conditions

A grievance redress mechanism for workers will be put in place so as to provide a platform for the workers to voice their concerns as provided by Article 102 of law n° 66/2018 of 30/08/2018 regulating labor in Rwanda. Furthermore, Article 38 provides conditions for workers to join a union and article 92 and 93 provide guidelines for collective bargaining. Disagreements on salaries and others entitlements or working conditions will be solved through workers representation.

Forced labor

RUDP II will comply with Article 7: Prohibition of forced labor. The law states that it is prohibited to impose forced labor, permit the imposition thereof or accept, whether directly or indirectly, that a person be subjected to forced labor. Within this framework, each worker will have their own contracts as required by the law and the salary will be paid directly to the worker without any intermediaries.

8.2 Occupational Health and Safety

Brief overview of legislations on occupational health and safety

RUDP II will respect the provisions of the law regulating labor in Rwanda and requirements of ESS 2 of the WB's ESF.

Chapter 5 of the Rwandan labor law of 2018 is dedicated to Occupational Health and Safety especially in **Article 77**: General health and safety conditions in the workplace, **Article 78** requires employers/enterprises to establish Occupational Health and Safety Committee, while **Article 79** emphasizes on the importance of Personal protective equipment while performing a certain type of activities under which most of works to be performed under RUDP II fall.

Article 77 of the 2018 Labor Law relates to general health and safety conditions in the workplace states that an employer must ensure the health, safety and welfare in the workplace for employees working in his/her enterprise and for all persons who frequent the enterprise will be enforced. Measures relating to OHS are for protecting workers from injuries, illness or impacts associated with exposure to hazards encountered in the work place or while working. The OHS measures include provision of PPE, awareness raising, trainings and guidance on how to prevent accidents at work place.

- The project RUDP -II will comply with this regulation by provided workers with PPE, facilities for a safe and clean environment to eat and change, sanitation facilities, and first aid kits.

Furthermore, **Article 78** of the labor law require employers to establish an Occupational Safety and Health Committee.

- The project RUDP – II will comply with **article 82** that entrusts employer to declare to the management of the social security body in Rwanda and to the Inspectorate of labor where the enterprise is located, occupational accident, disease or death in accordance with relevant Laws but allows the victims to do it themselves in case the employer fails to do so.
- The project RUP – II will comply with **article 119** that elaborates on offences and penalties relating to occupational health and safety. It states that if an employer through clumsiness, carelessness, inattention, negligence, and failure to observe the rules or any other lack of precaution, causes danger commits an offence. The articles further elaborate on different penalties to be applied to any employer in case of conviction of noncompliance.

Another important legislation is the Ministerial Order N°02 of 17/05/2012 which defines the conditions for Occupational Health and Safety to be provided for employers' duties as well as employee's duties for Occupational Health and Safety at workplace.

The overview below provides key aspects of legislation which relates to the items set out in ESS2, paragraphs 24 to 30 and the Rwandan Labour law and how these will be implemented under RUDP II.

1. All potential risks and hazards to project workers' health and life will be identified during the preparation of the ESIA and the ESMP. Any party who employs workers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health. This will include use of appropriate Measures related to chemical, physical and biological substances and agents as detailed in ESMPs.
2. Whenever avoidance of health and safety hazards is not possible, appropriate protective measures will be provided. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the project workers.
3. Contractors will establish an Occupational Health and Safety Committee as required by the law and assign health and safety focal person at construction sites. The safety officer will monitor the status of health and safety on construction sites on a daily basis and report to the employer and the safety committee if any non-compliance is noticed. The committee will be the one in charge of assessing and investigating the compliance of the contractor's vis a vis safety measures required on sites. A health and safety report will be submitted to the ESF team to be included in the overall environmental and social standards report.
4. The occupational health and safety committee as well as all project workers will receive OHS training at the beginning of their employment and on a regular basis thereafter. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without imminent danger and respond to emergency situations. Training records will be kept on file. These records will include a description of the training, the number of hours of Training provided, training attendance records, and results of evaluations.
5. The contractor/employer will develop and implement reporting system for any accidents, diseases and incidents.
6. Inform the World Bank; inform appropriate authorities in compliance with local regulations; secure the safety of workers, public, and provide immediate care. Promptly provide information about the incident to the Bank as well as further details as they become available. The requirement to report should be incidences and

accidents will be defined in the Project's Operating Manual. As required by the contracts, the Contractor should report incidents to the PIU. A specific template will be used to report the accidents (*see annex 1*) also remedies for adverse impacts such as occupational injuries, Disabilities and diseases will be provided as per article 19 of the Law N° 66/2018 OF 30/08/2018 regulating labour in RWANDA.

The law N° 66/2018 of 30/08/2018 imposes a general obligation on employers to provide employees with a safe and healthy working environment and to inform workers of the potential risks their jobs may present to their health and safety. Measures that must be taken include, but are not limited to, training and information campaigns as well as adoption of relevant preventive measures **(Articles: 77, 78, 79, and 80)**.

The law includes requirements for organizing and managing health and safety programs, providing emergency care and services, and responding to accidents. Other requirements include controlling access to hazardous workplaces, providing personal protective equipment at no charge to workers, and medical examinations **(Articles 81, 82)**.

(i) Policies and Procedures Occupational Health And Safety (OHS)

In the event of identification of risks, the following will be done according to national legislation and the ESS2:

- ✚ It is a legal requirement for an employer to conduct risk assessment as per the Ministerial Order N°02 of 17/05/2012 Determining Conditions for Occupational Health and Safety. Correspondingly, as provided for by the Ministerial Order N°01 of 17/05/2012 Determining Modalities of Establishing and Functioning of Occupational Health and Safety Committees, issues related to OHS for workers will be handled by **the OHS committee of the project** implementing unities in collaboration with Grievance Redress Committees at Cell, Sector and District level respectively.
- ✚ The main health and safety risks will be encountered by the construction contractors' workforce. Companies that submit proposals for the work will have to demonstrate capability to manage health and safety risk and provide corresponding documentation. After the contract award, the contractors are required to provide the labor management procedures and occupational health and safety plan in line with the ESMP to the government. The government will require the contractors as well as their sub-contractors to comply with the LMP requirements.
- ✚ PIUs (REMA, LODA, CoK and the 6 secondary cities) will include into the bidding documents specific OHS standard requirements that all contractors and sub-

contractors will meet under this project. The standards will be consistent with national regulations and ESS2.

✚ The following OHS standard requirements should as a minimum be included in the OHS Plan to be prepared by the contractors:

- Risk Assessment Procedure; Work permitting for hazardous work (working at heights, hot work, work on energized lines, work within confined spaces); Golden rules for life threatening works; Emergency response procedure; Fall prevention and working at heights;
- Excavations safety, Ladders, welding and cutting safety; Cranes, Derricks, and forklifts safety; power and hand tools safety; Respiratory prevention to chemical and airborne hazards (including dust, silica and asbestos); Construction PPEs;
- OHS training : the government will require the contractors in CoK both in informal settlement upgrading (component 1)and wetlands rehabilitation (component 1b) and those in secondary cities will to undergo trainings on managing labor risks and will all be required to have a social and environmental staff to monitor and implement the labor management plan to minimize any labor risks. If training is required, this will be the contractor's responsibility. The environmental and social management specialist will provide instructions to contractor staffs. PIUs will also plan for training to address risks associated with labor influx and will provide a schedule for trainings required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by PIUs, as specified by the contract. Any other relevant stakeholders including the civil society and other labor organizations will as well be permitted to provide trainings to workers upon official request.

In addition, the labor law provides for penal and administrative penalties in case of non-compliance with labor provisions. Prior to undertaking construction activities, potential risks will be assessed at the construction sites and this will be undertaken by the environmental and Social safeguards Specialist from the respective PIU(REMA, CoK, LODA and Secondary Cities), the environmental management unit at District level, Safeguards officers from contractors and the civil works supervising firm.

POTENTIAL IMPACTS AND RISKS FOR WORKERS ON HEALTH AND SAFETY in the RUPD -II

RUDP II will have an important part related to the construction of roads, drainages systems, markets etc. On construction sites accidents related to nature of activities which include the use of heavy machineries for excavation, compaction and stone breaking, transportation of construction materials along the sites under construction can occur.

The manpower who are doing the actual construction works such as masonry are also exposed to a risk of perforation and other injuries. Some excavations can be deep and a risk of falling from heights also exist although extremely minor.

Following are potential safety risks for workers under RUDP II:

- ***Injuries:*** This is a risk for workers at construction sites and this may result from one of the possible causes such as contact with equipment or falling objects, slips or falls, overexertion, general transportation or exposure to harmful substances. This can result from handling some construction materials at the site such as iron sheets, iron bars, bricks, stones and others.
- ***Car/motorcycle accidents:*** This risk can happen at the time of transporting construction materials or monitoring activities. Project staff to be based at District level will be required to make a lot of movements to construction sites and those at central level will also travel to construction sites for monitoring purposes. All these are likely to face this type of risk.
- ***Respiratory Diseases:*** Construction sites are a throng of activity and kick up dust; an often invisible, fine, toxic mixture of hazardous materials and fibres that can damage the lungs, leading to respiratory diseases such as obstructive pulmonary, asthma and silicosis.
- ***Noise:*** Noise is a major hazard within the construction industry. Repetitive, excessive noise causes long-term hearing problems and can be a dangerous distraction, causing accidents. With many workers working at the same construction site and some welding activities to take place at the construction site, they can produce noise which can cause distractions among workers in case the noise is not controlled.

8.3 Mitigation measures for key labor risks and working conditions

To prevent and mitigate the identified risks, measures have been agreed in the ESMF and will be more defined in each ESIA/ESMP. Contractor also will prepare their Contractor - ESMP which will include all measures described here, in the ESMF, ESMP. In RUDP I project, only a few number of accidents have occurred. All subprojects as described in the ESMF will prepare an ESIA/ESMP following all measures and agreements of the ESMF as well as the ESIA-ESMP and the Health and safety regulations of Rwanda. More specifically, the following measures will be undertaken by the Government of Rwanda through the Implementing Agencies (MININFRA, LODA (and the 6 secondary cities), REMA and CoK), no limited, and some more detailed in the ESMF,

- To avoid the risk of accidents at work places, the sites will be planned to have description of all important area including Emergence Assembly Point; additionally, the site will have Sign Boards located in appropriate places, providing information on precautions and appropriate actions to be taken to avoid accidents including mandatory to use PPE and wear protective gears. Contractors will be required to have fire extinguishers and first aid kits on site and in proportion with the size of the site to be covered and number of employees. The same will be asked of primary suppliers.
- To establish an OHS committee as mandated by the law regulating labor in Rwanda in its article 19, additional measures are included in the ESMF and Annex 3.
- Provision of sanitary and waste disposal facilities at each subproject site will be a requirement for all contractors. Furthermore, awareness campaigns on communicable diseases such as HIV/AIDS will be held regularly on construction sites both for project workers and local communities at large.
- To put forward a preference for local manpower and make it known to the surrounding communities and establish a quota for vulnerable groups. This will significantly economically empower local communities while preserving social cohesion. It has been agreed that at least 30% of the workers will be women.
- The government through MININFRA will prepare in advance a gender based violence action plan and monitor its implementation. Specific requirements to manage risks of gender-based violence, will be included in contractual requirements, code of conduct and training set out in this document to be implemented by all contractors.
- Establish an internal grievance mechanisms to allow workers to communicate their grievances in manner easily accessible to them.
- Establish a community based grievance mechanism and empower it to solve and or/report arising conflict to competent authorities.
- The Rwandan labor law prohibits employment of children under 16 and provides special provision for works and conditions in which minimum age children should

work under. The risk of child labor will be mitigated through Certification of laborers' age using the legally recognized documents such as National Identification Card.

9. CONTRACTOR MANAGEMENT

As part of the process to select contractors who will engage contracted workers, the government through PIUs will review the following information: Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;

- Business licenses, registrations, permits, and approvals; Documents relating to a labor management system, including OHS issues, for example, labor management procedures; Identification of labor management, safety, and health personnel, their qualifications, and certifications; Workers' certifications/permits/training to perform required work; Records of safety and health violations, and responses; Accident and fatality records and notifications to authorities; Records of legally required worker benefits and proof of workers' enrolment in the related programs; Worker payroll records, including hours worked and pay received;

The contracts with selected contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank procurement requirements and the Law N° 66/2018 of 30/08/2018 regulating Labor in Rwanda.

The Supervision Consultant will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of noncompliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

10. PRIMARY SUPPLY WORKERS

This section addresses labor management risk associated with people employed or engaged by contractor's primary suppliers. Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the Project. The project will require procurement of a substantial amount of materials such as sand, stones, oil, bitumen, electro-mechanical equipment such as electrical cables and power poles, protection and control equipment, steel products among others however most of the risks are related to safety in borrow areas and child labor in the latter.

OHS: These Labor Management Procedures require that, under the project, any primary supplier maintains records related to occupational injuries, illness and lost time accidents and to immediately reports fatalities to local authorities and the police for immediate investigation. These records will be subject to review by labor inspectorate at District level twice annually and by project environmental and social management specialist on a continuous basis as they wish which can include random inspection, weekly or monthly review. The ESF team at LODA's level also reserve the right to carry out field inspections and consult registries any time deemed necessary in addition to the regular monthly and quarterly review. Any supplier who will not comply with the law will be penalized in accordance with the provisions of the labor law and Article 119: Offences and penalties relating to occupational health and safety and any others laws as the labor inspectorate may find necessary.

Child labor and GBV: Where a significant risk of child labor, GBV or serious safety issues in relation to primary suppliers has been identified, the procedure for monitoring and reporting on primary supply workers will involve various measures that have been put in place to prevent and control them such as establishment of grievance committees and GBV grievance redress desk established at community level. In the event of identification of child labor cases or GBV, these committees will immediately report to concerned authorities. The labor law also provides for penal and administrative penalties in case of non-compliance with its provisions. In case of occurrence, the sanctions provided by labor law especially article 117 Offences and penalties relating to prohibited work for the child will be applied.

11. GRIEVANCE MECHANISM

11.1 Overview of labour administration and national Grievance Redress Mechanism for labour disputes

The Ministry of Public Service and Labor is responsible for the implementation and enforcement of the labor law. Its responsibility is to set up a fair working environment, based on international standards of health and social security, and favorable to jobs creation and about market development. More specifically the Ministry is responsible for developing, disseminating and coordinating the implementation of policies, strategies and programs.

Its organization structure comprise a directorate of labor and employment under which 2 national labor inspectors and 30 District labor inspectors distributed across the country in each of the 30 countries Districts.

Labor inspectors are part of the Government administrative system, and their essential purpose is to ensure compliance with all labor protection standards, as well as develop labor relations in an orderly and constructive way in order to enforce the labor laws, related regulations, and applicable International Standards for labor laws compliance;

➤ Responsibilities of labor inspectors in dispute settlement

The employees' representatives amicably settle individual labor disputes between employers and employees. If employees' representatives fail to settle the disputes amicably, the concerned party refers the matter to the labor inspector of the area where enterprise is located.

If the Labour Inspector of the area where an enterprise is located fails to settle the dispute due to the nature of the case or the conflict of interests, he/she refers the dispute to the Labour Inspector at the national level stating grounds to refer such a dispute.

For collective labour disputes, if amicable settlement between an employer and his/her employers fails, the disputes are notified to the labour inspector. If amicable settlement fails before a labour inspector of the area where an enterprise is located it is referred to the labor inspector at the national level.

Collective disputes not settled by the Labour Inspector at the national level or not settled due to their nature or the conflict of interests, are brought before the Minister in charge of labour. The minister of public service and labor has the power to impose penalties to an employer found in violation of any of the requirements of the labor as provided in articles

➤ **Powers of labor inspectors: Article 120: Obstructing the functioning of the labour inspectorate**

Labor inspectors have the power to the premises of an employer without prior notice to conduct their inspection. An employer who refuses to allow a labour inspector to enter an enterprise, refuses to provide information with him/her, fails to report to him/her summon or implement recommendations from a labour inspector, commits an administrative misconduct. He/she is liable to an administrative fine of not less than one hundred thousand Rwandan francs (FRW 100,000) and not more than two million Rwandan francs (FRW 2,000,000).

➤ **Powers of the Minister of public service and labor: Article 121: Temporary closure of an enterprise**

For the purpose of preserving security and safety of workers as well as national interests, article 121 of the Rwanda labor law of 2018 empowers the Minister in charge of labour to order a temporary closure of an enterprise until the circumstances that led to that decision are changed to the satisfactory level required by the Minister.

11.2 Basic principles and structure of the workers GRM

The workers GRM will be based on international standards and best practices especially Principle 31 of the UN guiding principles. These Guiding Principles state that grievance mechanisms should be: legitimate, accessible, predictable, equitable, transparent, and rights-compatible, based on dialogue and engagement, and a source of continuous learning. For the RUDP II's workers GRM to be effective it will be built on these principles to ensure workers confidentiality; establish a procedure for management to follow-up on reported grievances that is communicated to workers and a procedure for workers to monitor the status of complaints as well an appeals system.

The core foundation of the workers GRM will be the committee of workers representatives. This committee will ensure the representation of all types of workers including women representatives, a representative of people with disabilities and any other vulnerable group as well as migrant workers if any.

11.3 Process for labor disputes Grievance Redress under RUDP II

In order to create a working environment that provides safety and security to all workers, contractors will be required to present a worker's grievance redress mechanism which responds to the minimum requirements in the law and ESS2. For direct workers, the mechanism should involve an appropriate level of management and address concerns promptly, using an understandable and transparent process that provides feedback to those

concerned, without any retribution. The contractor will inform the workers of the grievance mechanism at the time of hiring, and make it easily accessible to them.

11.3.1 For workers and labor contracting issues

➤ **Individual labor disputes: Article 102 of law n° 66/2018 of 30/08/2018 regulating labor in Rwanda**

Workers will elect representatives who will form a committee that will act as the Workers Grievance Redress Committee. As mandated by article 102 of the law regulating labor in Rwanda, the employees' representatives amicably settle individual labor disputes between employers and employees. If employees' representatives fail to settle the disputes amicably, the concerned party refers the matter to the labor inspector of the area where enterprise is located. In the case of RUDP II it will be the District where works are being implemented. If the Labor Inspector at the District fails to settle the dispute due to the nature of the case or the conflict of interests, he/she refers the dispute to the Labor Inspector at the national level stating grounds to refer such a dispute. If amicable settlement fails at the national level, the case is referred to the competent court.

In any case, the PIU will be informed from the beginning of any workers grievances and provide insight and mediation if possible. The matter will be referred to the labor inspector only if the PIU fails to do the mediation.

Structure of workers representative:

➤ **Collective labor disputes: LAW N° 66/2018 OF 30/08/2018 regulating labor in Rwanda**

The law requires that collective labour disputes be directly notified to the labour inspector of the area by the workers representatives. Within this framework, any collective labor disputes that will arise under RUDP II, will be addressed to labor inspector at District level for assessment and settlement. In case of escalation, the matter will be referred to the national level.

Before escalating the collective labor dispute, the PIU through the Environmental and Social Management Unit will be alerted. Necessary investigations will be conducted and the contractor will be duly approached. The matter will be referred to the labor inspector only if the PIUs and workers representatives fail at amicable settlement.

11.3.2 For workers safety issues

All grievances related to workers safety will be addressed through the **Occupational Health and Safety committee** as required by Article 78 of the labor law (see section 10).

11.3.3 Grievance process for non-labor related issues involving project workers

In the project area there might be other conflicts related to relationships between the workers and the local community. Depending on who is the aggrieved party, the following mechanism will be used:

- **WORKER- AGAINST OTHER WORKER:** These grievances will be handled through the Workers Grievance Committee/representatives.
- **COMMUNITY MEMBER – AGAINST A WORKER:** If there is any grievance from a community member against a worker, it will be handled through the Workers Grievance Committees/representatives.
- **WORKER- AGAINST A COMMUNITY MEMBER:** The project will establish a project grievance committee at various levels of the local administration scheme in Rwanda from the Cell, Sector up to the District government. This grievance mechanism as described in the SEP and ESMF, will have the mandate of solving all complaints and grievances related to project activities and impacting local communities. Any grievance from a worker against a community member will be handled through this committee.

The project grievance mechanism will not impede workers or project affected people's access to the legal system. Local communities have existing traditional and cultural grievance redress mechanisms (**Abunzi committees**) established and regulated by law no 37/2016 of 08/09/2016 determining organization, jurisdiction, and competence and functioning of Abunzi committee (adjudication/mediation committees). These are established at cell and Sector level to solve community based conflicts and grievances their regulatory body being the Ministry of Justice. This mechanism cannot be overlooked by the project. The population can choose to use this channel instead of the project grievance mechanism. The escalation at this level leads to the court process. At any time, the complainant may take the matter to the appropriate legal or judicial authority as per Rwanda National Legal procedure.

❖ *Grievance channel for Gender Based Violence and sexual harassment*

As part of the obligations arising from the signature of a contract for the execution of infrastructure development works under the RUDP, the project will establish a special GBV task force that will be in charge of receiving and assessing all cases of sexual harassment. Given the sensitivity and the low level of understanding of GBV related matters in the community at large and the stigma attached to it; also taking into consideration the social and psychological damages that are usually associated with it, all cases of GBV will be handled through the GBV task force. The task force will include project staff namely: Human resource officer and social safeguards specialist from the contractor, Social Safeguards Specialist from the concerned PIU (LODA, REMA CoK), Gender Monitoring Officer and Environmental and Social Safeguards Specialist from the District, Social Safeguards Specialist from the supervising firm, Women representative from the GRC at cell level and GBV service provider in the area of GBV prevention and handled referral pathways for the GBV survivors. The PIU will approach relevant service provider in the field of GBV prevention and agree with one of them to provide an expert insight in relation to all GBV matters including prevention through awareness and capacity building as well as GBV response. However, as required by the law, the task force will have to work hand in hand with competent authorities the police in particular to ensure prompt response.

GBV grievances will be handled according to the internal best practices that requires confidentiality and consent. The complainant should receive an acknowledgement of the receipt of the complaint within a prescribed and reasonable timeframe, preferably in writing. Lodging a grievance should not incur any cost to the complainant. Generally, the contractor should allow for flexibility and make sure that grievances are not dismissed on grounds of an administrative formality and/or procedure. In any case, the mechanism should not impede access to other judicial or administrative remedies that might be available under law or through existing arbitration procedures. PIUs will provide grievance log templates to contractors to be used for grievance recording and follow up.

Note: The exact time at which the grievance mechanism will be in place for this project is not known yet but in any case it will be established as soon as contracts for civil works are signed such that they are in place before any project activities commence.

12. LMP PERFORMANCE MONITORING

In order to ensure the implementation of the LMP by stakeholders contractors in particular, the following indicators will be monitored the Government on a regular basis:

- Number of workers
- Number of workers with valid contracts
- Number of training provided to workers on OHS, GBV and sexual harassment
- The existence of an OHS committee
- The presence of an OHS personnel
- Number of workers provided with PPEs
- The presence of sanitary facilities: toilets (separate for men and women), hand washing facilities, waste collection points.
- The existence of a worker's GRM
- Workers grievance logbooks

A detailed check list that will be used during monitoring is in annexes. Monthly and quarterly reports will be prepared and the quarterly reports will be shared with the World Bank. Incidents reports will be prepared as well if circumstances require it. More details on reporting requirements are provided in the Environmental and Social Commitment Plan (ESCP).

ANNEXES

Annex 1: Code of conduct

General Code of Conduct for Contractor to be inserted in the ESMP, ESTC in the Tender documents

RUDPP II will comply with ESS2 and ESS4 and the Environmental, Social Health and Safety Guidelines of the WB (ESHS) and the Occupational Health and Safety (OHS) and Labor regulations of Rwanda. The following is a general Code of conduct to be inserted in the contract of contractors for civil works.

1. Contractor's Code of Conduct

Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

HNRB is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This shall be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they shall not be tolerated by any employee, associate, or representative of the company.

Therefore, in order to ensure that all those engaged in the project are aware of this commitment, the company (HNRB) commits to the following core principles and minimum standards of behavior that shall apply to all company employees, associates, and representatives including sub-contractors, without exception:

General

1. The company—and therefore all employees, associates, and representatives—commits to complying with all relevant national laws, rules and regulations and the World Bank Environmental and Social Standards which can read in the internet in this website:
 - a. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>
2. The contractor is responsible to comply with the requirements defined in ESMP Environmental and Social Technical Clauses (ESTC) which are both integral part of the contract.
3. The company commits to full implementing its 'Contractors Environmental and Social Management Plan' (C-ESMP) which will be prepared based in the ESIA/ESMP prepared by the government for the works.

4. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
5. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
6. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behaviour are prohibited among all company employees, associates, and its representatives.
7. Respect to reasonable work instructions (including regarding environmental and social norms)
8. Protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste)
9. Prohibit illegal activities by their workers such as: polluting the soil, rivers, wetlands, hunting, poaching wildlife, setting up fires, spilling diesel, oils in the soil, cutting trees without permit.

Health and Safety

10. The company shall ensure to hire professional in occupational health and safety to implement the ESMP and ESCT described in the bidding documents.
11. The company shall ensure that the project's occupational health and safety (OHS) management plan is effectively implemented, including wearing prescribed personal protective equipment, preventing avoidable accidents and reporting accidents of all type within less of 24 hours or conditions or practices in the project sites that pose a safety hazard or threaten the environment and the people.
12. The company will:
 - a. Prohibit the use of alcohol during work activities.
 - b. The company shall prohibit the use of illegal substances, at all times.
13. The company shall ensure that adequate eating, changing and sanitation facilities are available on site and at any worker accommodations provided by the contractor.
14. The company will obey labor, contracting and health and safety regulation in case of accidents, death and incapacity of workers (skilled or no skilled) and pay the compensation required by law.

Gender Based Violence and Violence Against Children

15. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or at worker's homes.
16. In addition to company sanctions, legal prosecution of those who commit acts of GBV or VAC shall be pursued if appropriate.
17. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
18. Sexual Harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior, is prohibited. For example: Looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc. is prohibited.
19. Sexual favours —for instance, making promises or favourable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.
20. Unless there is full consent³ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the work-place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
21. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV and VAC Allegation Procedures.
22. Managers are required to report suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

³ **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

To ensure that the above principles are implemented effectively the company commits to ensuring that:

23. All managers sign the 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
24. All employees sign the project's 'Individual Code of Conduct' confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV or VAC.
25. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work-place. Examples of areas include waiting, rest and lobby areas of sites, canteen areas, health clinics.
26. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
27. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
28. Ensuring that an effective GBV and VAC Action Plan is developed in consultation with the GCCT which includes as a minimum:
 - a. **GBV and VAC Allegation Procedure** to report GBV and VAC issues through the project Grievance Redress Mechanism (GRM);
 - b. **Accountability Measures** to protect confidentiality of all involved; and,
 - c. **Response Protocol** applicable to GBV and VAC survivors and perpetrators.
29. That the company effectively implements the GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
30. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the project's GBV and VAC Codes of Conduct.
31. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV and VAC. I understand that any action inconsistent with this

Company Code of Conduct or failure to take action mandated by this Company Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Individual code of conduct in case of contractor

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards

Preventing Gender Based Violence (GBV) and Violence against Children (VAC)

I, _____, acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable, be it on the work site, the work site surroundings, at worker's camps, or the surrounding communities. The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- Shall wear my personal protective equipment (PPE), in the correct prescribed manner, at all times when at the work site or engaged in project related activities.
- Take all practical steps to implement the contractor's environmental and social management plan (CESMP).
- Implement the OHS Management Plan.

- Adhere to a zero alcohol policy during work activities, and refrain from the use of illegal substances at all times.
- Consent to a police background check.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior. Ex. Looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody’s sex life; etc.
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
- Unless there is the full consent¹ by all parties involved, I shall not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “nonconsensual” within the scope of this Code.
- Consider reporting through the GRM (Grievance Redress Mechanism) or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).

- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- Comply with all relevant local legislation, including labor laws in relation to child labor.

Use of children's images for work related purposes when photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film shall be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically

Sanctions I understand that if I breach this Individual Code of Conduct, my employer shall take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if wanted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I shall adhere to the occupational health and safety management plan. That I shall avoid actions or behaviours that could be construed as GBV or VAC. Any such actions shall be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply

with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

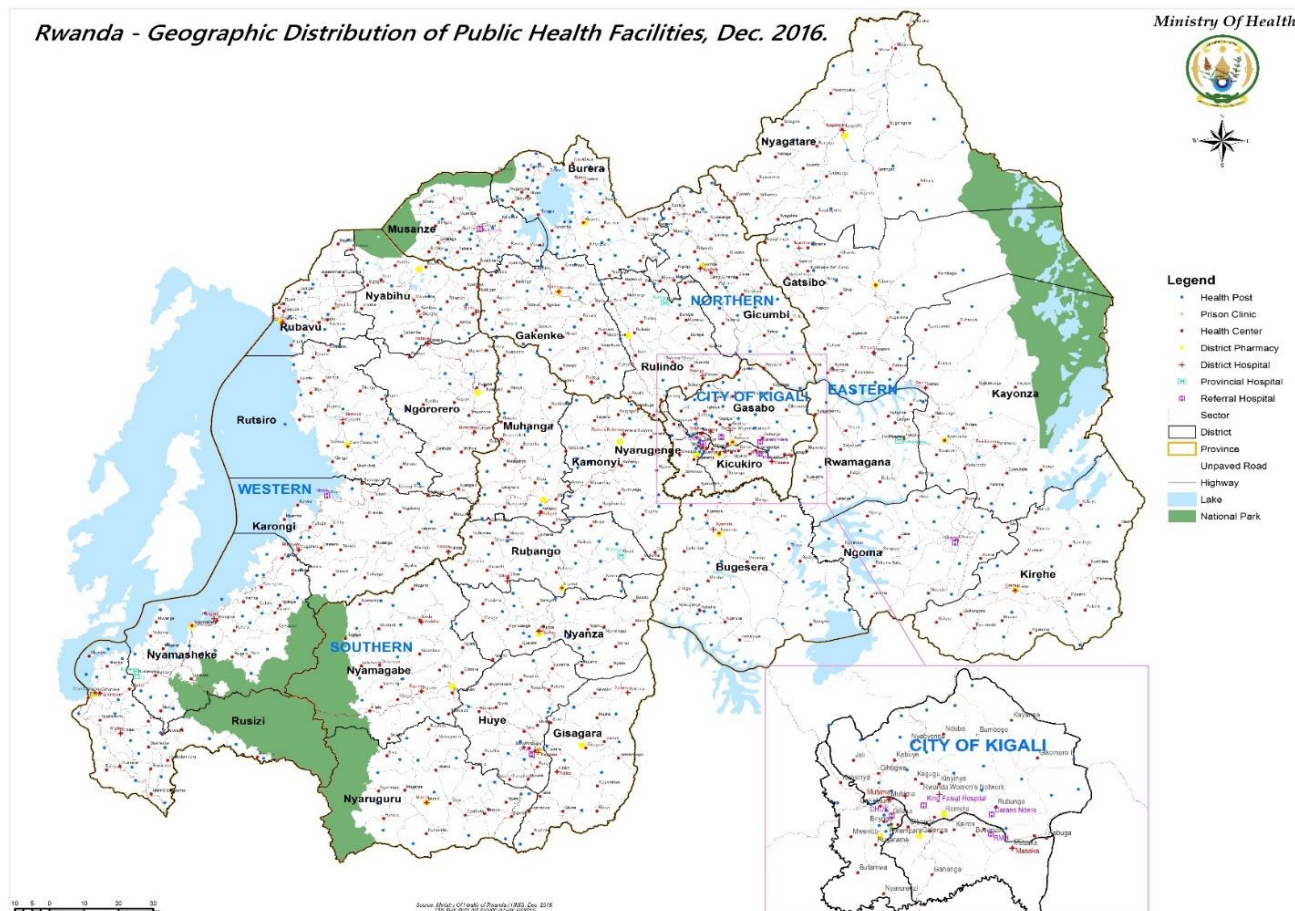
Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 2: Map of clinics and near hospital



Annex 3: Matrix for all potential risks associated to health and safety issues in the project, the equipment and budget that will be needed to be costed in the contractor's contract. Summary from the ESMF.

| Potential OHS impacts | Mitigation measures |
|---|--|
| PLANNING AND PRE-CONSTRUCTION PHASE | |
| General waste that may exist before or generated during the site installation | <ul style="list-style-type: none"> -Develop waste management plan for various specific waste streams - Prohibit burning of waste - Maintain all construction sites in a cleaner, tidy and safe condition -Provide and maintain appropriate facilities as temporary storage of all wastes before transportation and final disposal. |

| | |
|---|--|
| <p>Dust emissions or and health hazard during the excavation works, dismantling works or site clearance</p> | <ul style="list-style-type: none"> -Notify the workers before starting the demolishing work or excavation works, -water spraying on the bear surface or dust pollution source -Proper health and safety measures for the workers such as using of appropriate PPE (helmet, Earplug, musk, safety shoes, hand gloves etc.) should be taken to avoid any accidents; |
| <ul style="list-style-type: none"> -Removal of vegetation or tree cutting in the project sites may expose workers to accident risk; noise level increase and vibration effects -Removal of utilities such as electrical cables may expose workers to injury or killing by electric shock (electrocution) -Exposure to or faulty electrical devices, such as circuit breakers | <ul style="list-style-type: none"> -workers should be sensitized about the nature of the works and precautionary measures to be taken - construct noise barrier around the dismantling site; stop the engine when it is not required; monitor noise level as per existing guidelines - Prevent accidents and injury to health by minimizing hazards in the working environment -Contractor will cut only trees if have been agreed with the district local authorities and the environmental officer -A vegetation restoration plan will be implemented |
| <p>Eye hazards due to solid particles from a wide variety of preliminary construction operations</p> | <p>Use of machine guards or splash shields and/or face and eye protection devices, such as safety glasses with side shields, goggles, and/or a full face shield</p> |
| <p>CONSTRUCTION PHASE</p> | |
| <p>Air quality can be affected by vehicle exhaust emissions and combustion of fuels or by emissions from construction machineries, causing air pollution, respiratory and other diseases</p> <ul style="list-style-type: none"> -Dust generation from earth excavation, earth & sand stockpiles during dry period -Work-related accidents | <ul style="list-style-type: none"> -Fit vehicles with appropriate exhaust systems and emission control devices; -Maintain vehicles and construction equipment in good working condition including regular servicing - Operate the vehicles in a fuel efficient manner; -Impose speed limits at 30 km/hour on vehicle movement at the worksite to reduce dust emissions; -water spraying on the bear surface or dust pollution source -Proper health and safety measures for the workers such as using of appropriate PPE (helmet, musk, safety shoes, hand gloves etc.) should be taken to avoid any accidents - Focus special attention on containing the emissions from generators; -Construction equipment causing excess pollution (e.g. visible smoke) will be banned from construction sites immediately prior to usage; |

| | |
|---|---|
| | <ul style="list-style-type: none"> -Water spray to the dry earth/ material stockpiles, increase the watering frequency during periods of high risk (e.g. high winds); -Stored materials such as: excavated earth, dredged soil, gravel and sand shall be covered and confined to avoid their wind drifted; - The Air quality monitoring should be carried out by the contractor following the National Air Quality Standard |
| <p>-Vibration and noise quality will be deteriorated due to vehicular traffic, and construction equipment</p> | <ul style="list-style-type: none"> -Strict measures for noise pollution control need to be undertaken during construction activities; -Create noise barrier and consider the minimum noise levels at sensitive receptor sites - Stone breaking machine should be confined within a temporary shed so that noise pollution could be kept minimum - Protection devices (ear plugs or earmuffs) and masks shall be provided to the workers operating in the vicinity of high noise generating machines during construction; -Construction equipment and vehicles shall be fitted with silencers and maintained properly; -Instruction to the drivers to avoid unnecessary honking; -The Noise level monitoring should be carried out by the contractor following the national noise quality standards -Board Vibration monitoring should be carried out by the contractor. |
| <p>Labor and construction camps</p> | <ul style="list-style-type: none"> -In the project will not be large workers camps nor large construction camps. -Worker camps will be small to serve less than 30 workers and provide sanitation facilities, eating and resting areas, storage of belongings. No dormitories will be included. -Construction camps will be small and will serve to install contractor's office and store construction materials, machinery, trucks, tools, etc. -Area to be use as labor or construction site will be controlled by ESMP measures and approve by the project engineer and supervised together with the local and national ESMU teams. Local District officers will also provide general oversight. |

| | |
|---|---|
| <p>- Lack of proper infrastructure facilities, such as water supply and sanitation facilities may expose workers to hygiene-related diseases or lack of potable water</p> <p>-Accidental spillage of hazardous liquid from the construction camps</p> | <p>- Train all construction workers in basic sanitation and health care issues and safety matters and on the specific hazards of their work</p> <p>-The contractor will provide movable toilets for both men and women</p> <p>-The contractor will provide drinking water meeting the national standards</p> <p>- pH and coliforms contents should meet standards for drinking water) (Rwanda Standards Board (2018): pH= 6.5-8.5 and Coliforms content (Total coliforms, CFU/100 ml): Not detectable</p> <p>-The water quality monitoring should be carried out by the contractor following the national water quality standards</p> <p>- Regular health check-up of the workers</p> <p>-Handling and storage of the potential contaminants has to be organized under strict condition to avoid water pollution during construction</p> <p>-Handling of hazardous liquid should be done carefully by the designated experienced person</p> |
| <p>-Inappropriate handling or accidental spillage/leakage of these substances can potentially lead to safety and health hazards for the construction workers</p> | <p>-workers to be mindful of the occupational exposures that could arise from working environment</p> <p>-workers on construction sites should receive special health and safety training specific to remediation activities</p> <p>- Handling and storage of the potential contaminants has to be organized under strict condition to avoid water pollution during construction</p> <p>- Handling of hazardous liquid should be done carefully by the designated experienced person</p> <p>- The ground water quality monitoring should be carried out by the contractor following the National Water Quality Standard</p> |
| <p>Fires and or explosions resulting from ignition of flammable materials or gases can lead to injury or fatalities to project workers</p> | <p>-Storing flammables away from ignition sources and oxidizing materials.</p> <p>-Be equipped with fire extinguishing devices and self-closing doors, and constructed of materials made to withstand flame impingement for a moderate period of time</p> |
| <p>Road Traffic and Accidents</p> | <p>-Proper Traffic Management Plan (TMP) should be prepared by</p> |

| | |
|--|--|
| | <p>the contractor during starting of construction and follow it strictly;</p> <ul style="list-style-type: none"> - In this TMP, the road safety measures such as speed breakers, warning signs/lights, road safety signs, flagman etc. should be prepared and implemented |
| <p>Solid wastes and hazardous wastes</p> | <ul style="list-style-type: none"> -Hazard communication and training programs to prepare workers to recognize and respond to workplace chemical hazards - Waste management and pollution control plan - Minimize the production of waste materials by 3R (Reduce, Recycle and Reuse) approach - Prohibit burning of solid waste - Ensure proper collection and disposal of solid wastes within the construction camps; -Insist waste separation by source; organic wastes in one container and inorganic wastes in another container at sources; -Dispose organic wastes in a designated safe place on daily basis; <p>The organic wastes should be always covered with a thin layer of sand so that flies, mosquitoes, dogs, cats, rats, etc. are not attracted</p> |
| <p>GBV (sexual harassment of women and girls, exploitative sexual relations, sex work, etc.)</p> | <ul style="list-style-type: none"> -ESMP should identify risks of labor influx and propose general mitigation measures -Develop and implement a national level GBV Action Plan with an accountability and Response Framework -Training and awareness on unacceptable conduct toward female workers -informing workers about national labour law that makes sexual harassment and gender-based violence a punishable offence which is prosecuted -Introduce a worker code of conduct as part of the employment contract including sanctions -contractors to adopt a policy to cooperate with law enforcement agencies in investigating complaints about GBV -Ensure that women are given equal employment opportunities during recruitment and job postings. |

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| <p>-Increased risk of work crews spreading sexually transmitted infections and HIV/ AIDS.</p> <p>-Lack of first aid facilities and health care facilities in the immediate vicinity will aggravate the health conditions of the workers.</p> | <p>-Provide HIV awareness programming, including STI (sexually transmitted infections) and HIV information, education and communication for all workers on regular basis;</p> <p>- Train workers on health and safety, on communicable diseases;</p> <p>- Regular health check-up of the workers and awareness training about the communicable diseases</p> <p>-Educating project personnel, and area residents on risks, prevention, and available treatment for vector-borne diseases</p> <p>-Provide the workers a safe and healthy work environment;</p> <p>- Provide health care facilities and first aid facilities readily available,</p> |
| <p>Exploitation of workers</p> | <p>-Ensure that all workers have contracts with terms and conditions that are consistent with national labour laws and policies as well as ESS2</p> <p>-Every worker should be trained on as well as sign a Code of Conduct</p> |
| <p>Child and forced labour</p> | <p>-Ensure no children are employed on site in accordance with national labour laws and ESS2</p> <p>-All workers should be able to demonstrate their age by use of national identity cards or other official documentation</p> <p>-Inform communities and stakeholders that the use of child labour/ students (including for community contributions) is not permitted on the project</p> <p>-All workers must have an employment contract, be paid for their work and have the right to resign if they wish</p> |
| <p>Pollution of water</p> | <p>-No garbage or refuse, waste oils should be discharged into drains or onto site grounds</p> <p>-Fuel storage tanks or sites should be properly secured to contain any spillage</p> <p>-Toilet facilities should be provided for construction workers to avoid indiscriminate defecation in nearby bush or local water bodies</p> |
| <p>Sanitary wastewater discharges</p> | <p>Adequate portable sanitation facilities serving all workers should be provided at all construction sites. Sanitary</p> |

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| | wastewater in construction sites should be properly managed |
| Hazardous waste: paint, fuel, chemicals, oil, petroleum products, bitumen etc. may harm the health of construction workers | <ul style="list-style-type: none"> -Appropriate mitigation and protective measures are to be included in the ESMP - Train the relevant construction personnel in handling of fuels and spill control procedures -Training workers on the correct transfer and handling of fuels and chemicals and the response to spills |

Annex 4: Health and Safety Incidents Tracker

Safety incident tracker

Class of incidents

| Class 1 | Class 2 | Class 3 |
|--|--|--|
| Minor : no one was injured or contaminated | Moderate consequences: minor injury with short term impairment | Major/critical: like at stake, severe injuries with long term or permanent |

| Reference number | Class of incident | Brief description | Cause of the incident | Date | Action to be taken | Due date | Responsible | Progress | Status |
|------------------|-------------------|-------------------|-----------------------|------|--------------------|----------|-------------|----------|--------|
| INC001 | | | | | | | | | Open |
| INC002 | | | | | | | | | Closed |

Annex 5: Employment, Health and Safety conditions Monitoring Form (Checklist)

Contractor' name: Site name.....Date:

Instructions: Tick (√) if available, put a cross(X) if unavailable.

Tick (√) if there's evidence, put a cross(X) if there's no evidence.

| N 0 | Monthly Checklist: EHS items | Available | Unavailable | Type of evidence | Comment |
|--------|--|-----------|-------------|------------------|---------|
| 1 | Current Employee List | | | | |
| 2 | Valid Working Contract | | | | |
| 3 | Appointment letters; | | | | |
| 4 | Inductions - all contractor staff | | | | |
| 5 | Reporting: Incidents, accidents | | | | |
| 6 | Grievance redress mechanism | | | | |
| 7 | Health and Safety Committee | | | | |
| | Sanitary facilities: toilets (separate for men and women), hand washing facilities, waste collection | | | | |
| 9 | PPE (boots, gloves, helmets, masks, etc): Branded & Properly | | | | |
| 10 | Awareness on SGBV and STD | | | | |
| 11 | Valid First Aid Kit | | | | |
| 12 | Valid Fire extinguishers; | | | | |
| 13 | The incident register | | | | |