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Labor Management Procedures

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ABBREVIATIONS AND ACRONYMS

CAJ	-	Commission for the Administration of Justice
CEO	-	Chief Executive Officer
CHV	-	Community health volunteer
CoC	-	Code of conduct
CoK	-	Constitution of Kenya
COVID-19	-	Corona virus disease – 2019
CPHO	-	County Public Health Officer
CS	-	Cabinet Secretary
DOSHS	-	Directorate of Occupational Safety and Health Services
EACC	-	Ethics and Anti-Corruption Commission
ESF	-	Environmental Social Framework -
ESS	-	Environmental and Social Standard
FAQs	-	Frequently Asked Questions
GBV	-	Gender-Based violence
GEMS	-	Geo-enabling Initiative for Monitoring and Surveillance
GRM	-	Grievance Redress Mechanism
HCF-MS	-	Health Care Facility – Medical Superintendent
ICT	-	Information Communication Technology
IEC	-	Information Education and Communication
ILO	-	International Labor Organization
IPSAHUTLC Local Communities		Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
MOH	-	Ministry of Health
NEMA-CDE	-	National Environment Management Authority – County Director of Environment
NPHI	-	National Public Health Institute
NQCL	-	National Quality Control Laboratory
OHS	-	Occupational Health and Safety
PAI	-	Project Area of Influence
PAS	-	Public Address System
PH/QF-M	-	Port Health / Quarantine Facilities –Manager
PMT	-	Project Management Team
PPB	-	Pharmacy and Poisons Board
PS	-	Principal Secretary
PWDs	-	Persons with Disabilities
SEA	-	Sexual exploitation and abuse
VMG	-	Vulnerable and marginalized group
WHO	-	World Health Organization
WIBA	-	Workers Insurance and Benefits Act

1 INTRODUCTION

Kenya continues to experience many hurdles in reaching the fundamental capacities required to successfully prevent, identify, and respond to public health emergencies, as shown by the COVID-19 pandemic. The fragmentation of public health institutional arrangements, organizations, and activities was noted as a bottleneck in pandemic preparation and response in the 2017 Joint External Evaluation of International Health Regulations core capacities. The fragmentation affects the various organizations involved in health security activities, which leads to poor coordination between them, exacerbates administrative and technical inefficiencies, and ultimately manifests as a decreased capacity to anticipate and address threats to public health.

The COVID-19 pandemic undid years of progress in poverty reduction and human capital accumulation. Out of a total population of 54 million¹, the poverty rate grew from 28.9 percent in 2019 to 41.9 percent in 2020, meaning that 22.6 million Kenyans live below the poverty line of US\$2.15 per day. The pandemic interfered with the provision of important health and educational services, both of which are necessary for the development of human capital. The pandemic had a negative effect on the provision of crucial services including outpatient visits, screening and diagnostic services, and childhood immunization². The disruption in the provision of essential health services has jeopardized the progress made toward achieving Sustainable Development Goal 3³ and is an important reminder of why resilient health systems must be built in every country to deal with global health emergencies that go beyond simple preparedness and response.

The country's continuous drought has also made the situation regarding food and nutrition insecurity worse, especially in the dry and semi-arid regions. There were 4.4 million people that needed humanitarian aid and were food insecure in February 2023, up from 3.5 million in July 2022. It is estimated that the affected population will gradually increase to 5.4 million people by June 2023. Due to the drought, 970,214 children between the ages of 6 and 59 months, 142,179 pregnant women, and nursing mothers are currently malnourished and in need of nutritional supplements.

These pandemics have reinforced the case for strengthening the preparedness, response, and resilience of health systems in Eastern and Southern Africa to public health emergencies. As a result, the World Bank in collaboration with Intergovernmental Authority on Development (IGAD), The East, Central, and Southern Africa Health Community (ECSA-HC), partner states and other partners are implementing the AFE Health Emergency Preparedness, Response and Resilience MPA Program Development. The aim of the proposed project the AFE Health Emergency Preparedness, Response and Resilience MPA Program Development Objective (PrDO) is to strengthen health system resilience and multisectoral preparedness and response to health emergencies in Eastern and Southern Africa.

The overall PDO for AFE Kenya Health Emergency Preparedness, Response and Resilience (HEPRR) Project is to strengthen national systems for public health emergency preparedness through strengthening capacity for local manufacturing and public health institutional arrangements.

The PDO will be monitored through the following PDO level outcome indicators:

1 <https://www.populationpyramid.net/kenya/2022/>

2 Lancet Glob Health 2022; 10: e1257–67 - www.thelancet.com/lancetgh Vol 10 September 2022

3 Delany I et al (2014). Vaccines for the 21st century. *EMBO Mol Med* 6:708–20.

- The national regulatory authority has achieved Maturity Level 3 (ML3).
- Country has laboratory system to test for all its endemic diseases and its priority diseases through nucleic acid amplification testing or other appropriate approach.
- Percentage of designated ports of entry that have conducted simulation exercises.
- Emergency logistics and supply chain management mechanism is developed at national and county level.

The project has the following components and sub-components:

1. Component 1: Strengthening Capacity for Local Manufacturing (US\$ 70M)
 - a) Sub-Component 1.1: Human Resources Capacity, Learning, Development, and Technology Transfer [US\$ 15M]
 - b) Sub-Component 1.2: Strengthen the Regulatory Capacity of the Pharmacy and Poisons Board (PPB) [US\$ 10M]
 - c) Sub-component 1.3: Strengthening Quality Control (QC)/Assurance [US\$ 10M]
 - d) Sub-component 1.4: Establishing capacity for F&F⁴ of human vaccines [US\$ 35M]
2. Component 2: Strengthening Capacity of the National Public Health Institute (NPHI) [US\$ 40M]
 - a) Strengthening of Laboratory Testing and Genomic Surveillance Capacity
 - b) Development and Deployment of the Electronic Integrated Diseases Surveillance and Response Information System (eIDSR)
 - c) Strategic stockpiles for preparedness and response
 - d) Strengthening cross-border surveillance at Points of Entry (POE)
 - e) Establishment of system for health workforce surge capacity
3. Component 3: Project Management [US\$ 10M]

Construction and rehabilitation works are expected for subcomponents 1.3 and 1.4 for the National Quality Control Laboratory (NQCL) and human vaccine manufacturing plant respectively. Other facilities and buildings to be involved in the project and present OHS risks include laboratories across the country (subcomponent 2a), POEs (subcomponent 2d) and Kenya medical Supplies Agency (KEMSA) warehouses (subcomponent 2c).

To ensure compliance with the Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) of the World Bank's Environmental and Social Framework (ESF) and the national laws and regulations of the Republic of Kenya, this Labor Management Procedure (LMP) has been created for the proposed AFE Kenya Health Emergency Preparedness, Response and Resilience MPA project. The goal of the LMP is to make planning and executing the project easier by identifying the key labor requirements, related risks, and the processes and resources required to manage the labor-related challenges for the project. The overall objective of this LMP is to define different types of project workers, including direct workers, contracted workers, and supply chain workers, and to have a clear understanding of what is required to manage specific labor issues. This document may be adjusted as the project advances and as new categories of employees become involved in the various activities.

This LMP will be complemented by the following project documents that have been prepared and

⁴ F&F refers to the process of filling a container/unit (vial or syringe) with vaccine drug as quickly as possible. It entails the following: (i) receiving of bulk drug substance; intermediate bulk day storage; dilution of bulk /compounding /formulation; sterile filtration; filling and sealing; capping; inspection; labeling and manual packaging; intermediate cold storage.

consulted on during the consultations conducted on May 11, 2023:

- Environmental and Social Management Framework (ESMF);
- Stakeholder Engagement Plan (SEP); and
- Environmental and Social Commitment Plan (ESCP).

2 OVERVIEW OF LABOR USE ON THE PROJECT

According to the ESS2, project workers can be categorized into direct workers, contracted workers, community workers, migrant workers, and primary supply workers. Government civil servants (mostly those who work for the MoH at the national and county levels) and staff from other government ministries, divisions, and agencies (MDAs) who are deployed to provide the project with the necessary technical assistance will also fall under the labor category of direct workers. While the Employment Act of 2007 as well as several public service laws and Human Resources Manuals will help regulate government workers, consultants will be governed by a set of mutually agreed contracts. These consultants will be a part of the MoH's newly formed Project Management Team (PMT).

1. **Direct Workers.** The project will engage the following types of workers as “direct workers”:
 - a. **Project Management Team (PMT):** The MoH will establish a PMT to oversee the project. The PMT will have a committed Project Manager (PM) who oversees the overall success of the Project. The PMT will consist of staff with cross-cutting qualifications (such as procurement officers, project accountants, safeguards officers (Environmental and Social), and M&E), with additional staff with the right skill set being assigned as needed.
 - b. **Civil Servants:** The project will involve numerous MoH employees, including directors of various divisions, all levels of healthcare professionals, frontline workers and support staff. A total of 276 workers will be involved including MoH E&S Officers, DOSHS NEMA-CDE, CPHO, HCF-MS, PH/QF-M, Lab Managers KBI CEO, PPB CEO, NPHI Director General, NQCL Director and the health workers- doctors, nurses, community health workers among others (Table 1)
2. **Primary supply workers:** workers employed or engaged by primary suppliers, providing goods and materials to the project, over whom primary suppliers exercise control for the work, working conditions, and treatment of the workers. These will include workers of suppliers of equipment and services to the KBI vaccine facility and medicine supplies for stockpiling at facilities.
3. **Contracted Workers:** Contracted workers will be employed or engaged by third parties, such as contractors, subcontractors, and service providers/consultants required for project implementation including in construction and rehabilitation works and supplies; this includes professionals and support staff provided by the contractor or consultants, as well as any subcontractors or subconsultants assigned to perform the services, in whole or in part. Consultant may also be hired to undertake tasks as required by implementing agencies involved in the project’s implementation. Migrant workers may also be contracted by the Project.
4. **Community workers:** Community health workers will also be used by the Project since it seeks to build community-driven resilience and response against health emergencies.

Workforce requirement: the requirement of the workforce at different levels will be determined by the scope of the project activities operated by each implementing institution (MoH and KBI) which is variable over time. The Table 2.1 below presents the estimated number of labor force for each type of worker category. Most of these workers are government civil servants who will remain subject to the terms and

conditions of their existing sector employment.⁵ Direct workers who may be directly engaged as additional staff will need to be contracted in line with the requirements of ESS2 in relation to Labor and working conditions, non-discrimination and equal opportunities and occupational health and safety. All contractors and sub-contractors that will be involved in this project will adhere to the legal frameworks of both the GoK and the WB's provisions of ESS2.

Table 2.1 Number and Types of Workers to be Employed on the Project

No.	Type of Worker by Job Classification	Estimated No.
I	Direct Workers	
	Project Management Team	18
	Environmental Safeguard Specialist – MoH	1
	Social Development Specialist – MoH	1
	Environmental and Social Focal Person (KBI)	1
	Biovax workers (KBI)	100
	Workers at NQCL	55
	Workers at PPB	100
II	Contract Workers (By types of work)	
	Construction of Vaccine manufacturing	100
	Consulting services	20
III	Primary supply workers	
	Truck drivers	40
	Primary supplier's supervisors	5
IV	Community health workers/agents	100
Grand Total		541

⁵ All government civil servants seconded to work on the project will remain subject to the terms and conditions of their existing public sector employment agreements/arrangements, as understood under ESS2, Scope of Application, paragraph 8.

3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Potential risks include those relating to employment and working conditions, including GBV/SEA/SH, OSH, and work-related discrimination. By creating recruitment policies, procedures, and suitable OHS measures and implementing pertinent aspects of the Employment Act of 2007, public service regulations, and HR manual, the PMT will evaluate and resolve these risks. Under this project risk mitigation will also follow the requirements of the WB Environmental Health and Safety Guidelines (EHSG) General– Section 2 and 4, WB EHSG for Health Care Facilities (including those related to HCF operations) and the WB EHSG Pharmaceuticals & Biotechnology Manufacturing (including those related to operation phase).

The PMT will also provide all project participants with training on the policies and procedures for protecting themselves, their communities, and other people from the spread of infectious diseases. The following are the main labor hazards that are anticipated throughout project implementation.

- a. **Occupational Safety and Health (OSH) risks:** Some of the OHS risks for subprojects involving civil works are manual handling of large things, falls from heights, burns from hot labor (such as welding), electricity, injuries from moving machinery, and dust from construction vehicles. There are also risks to disease infections for all workers engaged in project activities and possible mental health disorders/illnesses emanating from project related stress and burn-out. More detailed OHS risks and mitigation measure are presented in Table 3.1. The preparation of Site-Specific ESMPs, which will include Environmental Health and Safety Management plans that will detail how these risks will be managed for each of the sub-projects and each worksite for review and clearance by the implementing agencies, will be guided by these ESIA and ESMPs as they will be included in the bidding documents for contractors. Contractors will need to prepare and apply a C-ESMP that includes, site specific risks and hazard assessment; and OHS measures. Relevant OHS plans/measures will be developed and applied for construction phase, the operation and maintenance phase and at decommissioning phase of the subprojects. To protect workers in the vaccine production facility by KBI and NQCL, the PMT shall ensure that protocols for regular disinfection of public rooms, equipment, tools, and waste are in place and followed. An operation manual that includes a complete OHS management plan should be prepared prior to the opening of the Biovax facility to describe the working procedures to be taken by the workers to protect themselves and neighboring community. The operational procedures should be of a standard to meet guidance from WHO and/or CDC on infection control and ESS2 and WB EHSG for Pharmaceuticals and Biotechnology Production. The design, construction, operation and decommissioning of the project activities shall follow the national legal requirements, the WBG EHSGs, and other good international industry practices related to OHS hazard assessments as stated in text below and in the draft ESMF.
- b. **Sexual harassment, exploitation, and abuse, discrimination:** PMT will make sure that all sub-project activities are carried out in accordance with the guiding acts and regulations prohibiting any form of discrimination and/or harassment (directly/indirectly) against an employee to guarantee equal opportunity and non-discrimination among workers employed/engaged under all employment categories. Additionally, contractors and subcontractors must support equal opportunities for women and men, with a focus on equal criteria for selection, compensation, and promotion and equal application of these criteria; put in place measures to prevent harassment of project workers, including sexual harassment in the workplace; and, if migrant workers are employed, implement appropriate measures to prevent any discriminatory treatment towards

them following the GBV action plan annexed in the ESMF. PMT will ensure that there is equal opportunities provided and that there is no any form of discrimination.

- c. **Child labor:** Even though the risk is low (given the hiring standards for all government positions), it could still materialize due to contracted labor at construction sites. The contract will compel contractors, including third parties, to commit to not using child or forced labor. In addition, the person in charge of overseeing contractors for project activities will keep track of and report on whether the contractors are abiding by ILO Conventions 105, 138, and 182 on the prohibition of child and forced labor, as well as the World Bank ESS2. To prevent employing or engaging children under age of 18 there will be documentation and verification of age prior to the employment or engagement of a project worker and kept on file;
- d. **Labor disputes over terms and conditions of employment.** Demand for limited employment opportunities, labor wages/rates and payment delays, disagreement over working conditions (especially overtime payments and proper rest breaks), and health and safety issues at work are all likely causes of labor disputes. Additionally, there is a chance that employers will retaliate against employees who complain about unsafe or unhealthy working conditions, demand fair working conditions, or raise any other grievances; in such cases, there may be labor unrest and work stoppages. The PMT will carry out the LMP's policies. These procedures outline how project personnel will be managed in conformity with national legal requirements, ESS2, ESS4, and other applicable WB ESF standards. The procedures specify how the labor laws will be applied to various project worker categories, how the PMT will expect third parties to manage their workforces, and how employees will be given a formal channel through which to voice complaints about their working conditions and contract terms.
- e. **Discrimination and exclusion of vulnerable groups:** Vulnerable groups are likely to be excluded from project job prospects. These include marginalized groups, women, and people with disabilities (PWDs). The safety and wellbeing of the most vulnerable workers and the local populations could also be compromised by sexual harassment and other abusive behavior on the part of employees or management, which would also have a negative impact on the success of the project.

As part of the Environmental and Social Impact Assessments, site-specific risk, and hazard assessments will be conducted to evaluate all the potential threats that have been identified. The project's ESMP will be prepared to include mitigation strategies for the identified risks. Possible countermeasures for the Project's potential risks are shown in Table 3.1 below:

Table 3.1: Potential Labor Risks and Mitigation Measures

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
1	Non-compliance of employers to terms and conditions of employment	<p>To ensure compliance with terms and conditions of employment as per requirements of the national Employment and Labor Relations statutes; WB ESS2; and ILO Labor Relations Convention 151 (1978), the project implementers will ensure the following in relation to direct workers, as well as workers engaged through contractors/subcontractors and primary suppliers:</p> <ul style="list-style-type: none"> • Provide project workers with information and documentation that is clear and understandable regarding their terms and conditions of employment; for illiterate workers simplified language will be used and the officer in-charge will read the terms and conditions to them and request them to specify if they require further clarification. This will be repeated at least twice to ensure clarity. • The information and documentation shall 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 ESS2. • This information and documentation shall be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur. • The project shall also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances and concerns. • All workers will be provided with written contracts.
2	Labor influx related risks (including spread of diseases among workers and the nearby communities, including HIV/AIDS and COVID-19 through project activities)	<ul style="list-style-type: none"> • Communication on risks of infection with HIV/AIDS and COVID-19 shall be conducted through locally appropriate means – targeting workers, learners, and communities at least once during recruitment and thereafter once every month for staff and quarterly for communities to be conducted by OHS staff of the contractor under supervision of the PMT. • To reduce labour influx, PMT will require all contractors to employ unskilled and semi-skilled workers at the local level and through the local administrators.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • PMT will ensure that implementation of Code of Conduct (CoC) to be signed by project direct workers and all those contracted; • Workers will be required to use appropriate PPEs (such as gloves and masks) which will need to be disposed in line with the provisions of COVID-19 prevention guidelines by the Ministry of Health, Community Development, Gender, Elderly and Children and WHO; the PMT will be responsible for day-to-day monitoring of implementation of the COVID-19 prevention measures.
3	Occupational Health and Safety	<p>PMT will ensure each of the following:</p> <ul style="list-style-type: none"> • The contractor shall provide the workers with the required PPEs and always enforce use while at the work site; • The equipment used in the works should be routinely serviced to ensure proper and safe equipment functionality; PMT will Carry out job risk assessment for all project workers (e.g., analysis of likely hazard and precautions required during project construction, operation and maintenance phase) before executing the assignment; and prepare and implement a C-ESMP that will include among other things the mitigation measures for identified risks, responsibilities and monitoring plan; • Effective site management and access control for visitors and intruders (including people trying to use shortcuts, children playing, etc.) by fencing/ barricading, signage, manned posts, etc. • Use of safety signage e.g., “MEN/WOMEN AT WORK” to warn the public and the workers on site, and other signages based on types of OHS risks to bother workers and communities for the subprojects; • Provision of adequate signage and communication of risks to workers, contractor's staff and the community; • Hazardous areas must be clearly marked with signs easily understood by workers, visitors and the public, as appropriate; • Electrical works must be performed by trained and qualified experts;

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Ensure that electrical equipment is properly connected before switching on sockets; • Use of competent drivers with defensive driving techniques with a valid driver's license; • Only road worthy (regularly serviced) vehicles and trucks shall be used in transportation of materials to avoid frequent breakdowns and risks of road accidents; • In case on any spillage for example oil and hazardous substances) at working areas, the contractor and operator must clean the spillage immediately, post anti-slip hazard warning should be used when mopping floors to reduce chances of slip and falls; • All visitors shall be required to fill a visitors' form providing all personal details and purpose of the visit. A data file with information regarding visitor will be recorded and kept by project OHS personnel; • Implementation of CoC to be signed by project workers, and enforced by all contractors. • First aid kits, trainings on first aid and qualified first aiders on site • Developing and implementing emergency response plans (ERP) • Developing, adopting and sensitizing of standard operation procedures and guiding working at heights, lifting operations excavations etc • Ensure safety of the workers in the vaccine facility by ensuring appropriate protocols are applied, access and use of proper PPEs
4	Discrimination of employment based on gender, disability or ethnicity	<p>PMT will ensure that:</p> <ul style="list-style-type: none"> • Hiring of project workers shall be based on the principle of equal opportunity and fair treatment; • 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;

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • The CoC containing provisions on discrimination to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation, including sexual exploitation and harassment (see template in Annex 2 &3); Reasonable sanctions for breach of CoC and related contractual obligations need to be included. • Contractors shall provide appropriate sanitation facilities at the workplace and appropriate PPEs for women and persons with disability
5	Risks of GBV incidences including SEA and SH	<p>PMT will ensure that:</p> <ul style="list-style-type: none"> • The project and the project staff implement GBV/SEAH management plan provided in Annex D of the ESMF • The project’s Social Specialist to work with service providers to mitigate SEAH related risks and provision of aftercare services; • Communities are sensitized on GBV/SEA & SH and the referral pathways; • All project personnel should be trained on GBV/SEA & SH; • The CoC containing provisions on GBV/ SEA & SH to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation (see template in Annex 2 &3). • Violating the CoC can have serious consequences for Project workers, e.g., disciplinary action under Kenya’s employment law, including termination of employment, or claims for compensation by the Project or third parties. If violating this Code of Conduct also constitutes a criminal offence, such violation may also result in criminal proceedings, which could lead to the employee being fined or imprisoned.
6	Likely incidences of Child labor or forced labor	<p>PMT will ensure:</p> <ul style="list-style-type: none"> • All vacancy advertisements will clearly prescribe that child labor is not permitted and persons to be employed must meet the minimum age as prescribed in Employment and Labor Relations Act of 2004

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Sensitize beneficiaries/contractors on child policy and on negative impacts of child labor; • Certification of laborers' age (using National Identification Card, Voters Registration Card, Birth Certificate or affidavit of birth in employment of workers); • Ensure that contractors, primary suppliers have and implement a Child Labor Policy to deter employment and abuse of children in the project. Include consequences of breaching the conditions, including the possible termination of the contract. • Engage with labour inspectors/ ministry of labour to ensure effective enforcement national labour legislation, provide advice and information to help meet legal requirements including compliance with the Employment and Labor Relations Act of 2004; • Enhanced monitoring of implementation and compliance • See Section 6 Policies and Procedures for handling any cases of child or forced labour.
7	<p>Risks related to occupational health and safety e.g., general facility design and operation.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • <i>Specific OHS risks for some Project operations are not included here (but elsewhere in Table) - e.g., specific HCF, labs, pharmaceutical production, travel (road)</i> • <i>Subproject specific OHS Plans shall be prepared and implemented for the operation and maintenance phase.</i> 	<p><i>Integrity of Workplace Structures</i></p> <ul style="list-style-type: none"> • Surfaces, structures, and installations shall be easy to clean and maintain, and not allow for accumulation of hazardous compounds. • Buildings shall be structurally safe, provide appropriate protection against the climate, and have acceptable light and noise conditions. • Fire resistant, noise-absorbing materials shall be used for cladding on ceilings and walls. • Floors should be level, even, and non-skid. • Heavy oscillating, rotating or alternating equipment should be in dedicated buildings or structurally isolated sections. <p><i>Severe Weather and Facility Shutdown</i></p> <ul style="list-style-type: none"> • Workplace structures shall be designed and constructed to withstand the expected elements for the region and have an area designated for safe refuge, if appropriate.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Standard Operating Procedures (SOPs) will be developed for project and will include an emergency response plan, evacuation plan to be developed and implemented by PMT and contractors. Drills to practice the procedure and plan should also be undertaken annually. <p><i>Workspace and Exit</i></p> <ul style="list-style-type: none"> • The space provided for each worker, and in total, should be adequate for safe execution of all activities, including transport and interim storage of materials and products. • Passages to emergency exits to always remain unobstructed. Exits will be clearly marked to be visible in total darkness. Provide sufficient number and capacity of emergency exits for safe and orderly evacuation of the greatest number of people present at any time, and ensure a a minimum two exits from any work area. • Ensure inclusion in infrastructure design, facilities shall be designed and built considering the needs of disabled persons. <p><i>Fire Precautions</i></p> <ul style="list-style-type: none"> • Ensure workplace design prevents fires through implementation of applicable fire codes to industrial settings. Other essential measures include: <ul style="list-style-type: none"> • Equipping facilities with fire detectors, alarm systems, and fire-fighting equipment. The equipment will be serviced regularly, maintained in good working order and readily accessible. It should be adequate for the dimensions and use of the premises, equipment installed, physical and chemical properties of substances present, and the maximum number of people present. • Provision of manual firefighting equipment that is easily accessible and simple to use. • Install fire and emergency alarm systems that are both audible and visible.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<p><i>Lavatories and Showers</i></p> <ul style="list-style-type: none"> • Adequate lavatory facilities (toilets and washing areas) provided for the number of people expected to work in the facility and allowances made for segregated facilities, or for indicating whether the toilet facility is “In Use” or “Vacant”. Toilet facilities should also be provided with adequate supplies of running water, soap, and hand drying devices. • Where workers may be exposed to poisonous substances by ingestion and skin contact facilities for showering and changing into and out of street and work clothes will be provided. Standard operation procedures for laboratory testing and waste management plan will be developed and implemented. <p><i>Potable Water Supply</i></p> <ul style="list-style-type: none"> • Adequate supplies of potable drinking water will be provided from a fountain with an upward jet or with a sanitary means of collecting the water for the purposes of drinking. • Water supplied to areas of food preparation or for the purpose of personal hygiene (washing or bathing) shall meet drinking water quality standards. <p><i>Clean Eating Area</i></p> <p>Where there is potential for exposure to substances poisonous by ingestion, suitable arrangements are to be made for provision of clean eating areas where workers are not exposed to the hazardous or noxious substances.</p> <p><i>Lighting</i></p> <ul style="list-style-type: none"> • Workplaces shall be well light with natural light and be supplemented with sufficient artificial illumination to promote workers’ safety and health and enable safe equipment operation. Supplemental ‘task lighting’ may be required where specific visual acuity requirements will be met.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Emergency lighting of adequate intensity shall be installed and automatically activated upon failure of the principal artificial light source to ensure safe shut-down, evacuation, etc. <p><i>Safe Access</i></p> <ul style="list-style-type: none"> • Passageways for pedestrians and vehicles within and outside buildings shall be segregated and provide for easy, safe, and appropriate access. • Equipment and installations requiring servicing, inspection, and/or cleaning shall have unobstructed, unrestricted, and ready access • Hand, knee and foot railings will be installed on stairs, fixed ladders, platforms, permanent and interim floor openings, loading bays, ramps, etc. • Openings will be sealed by gates or removable chains • Covers will be installed to protect against falling items • Ensure adequate measures to prevent unauthorized access to dangerous areas are in place and implemented. <p><i>First Aid</i></p> <ul style="list-style-type: none"> • Ensure qualified first-aid can be provided at all times. Appropriately equipped first-aid stations will be established and made accessible throughout the place of work • Eye-wash stations and/or emergency showers will be provided close to all workstations where immediate flushing with water is the recommended first-aid response • Where the scale of work or the type of activity being carried out so requires, dedicated and appropriately equipped first-aid room(s) will be provided. First aid stations and rooms will be equipped with gloves, gowns, and masks for protection against direct contact with blood and other body fluids • Remote sites will have documented emergency procedures for dealing with cases of trauma or serious illness up to the point at which patient care can be transferred to an appropriate medical facility.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<p><i>Air Supply</i></p> <ul style="list-style-type: none"> • Sufficient fresh air will be supplied for indoor and confined work spaces. Factors to be considered in ventilation design include physical activity, substances in use, and process- related emissions. Air distribution systems will be designed so as not to expose workers to draughts • Maintain mechanical ventilation systems in good working order. Point-source exhaust systems required for maintaining a safe ambient environment to have local indicators of correct functioning. • Re-circulation of contaminated air is not acceptable. Air inlet filters will be kept clean and free of dust and microorganisms. Heating, ventilation and air conditioning (HVAC) and industrial evaporative cooling systems will be equipped, maintained and operated so as to prevent growth and spread of disease agents (e.g., Legionella pneumophila) or breeding of vectors (e.g. mosquitoes and flies) of public health concern. <p><i>Work Environment Temperature</i></p> <p>The temperature in work, rest room and other welfare facilities will, during service hours, be maintained at a level appropriate for the purpose of the facility.</p>
8	Risks related to OSH e.g., Exposure to infections and diseases.	<ul style="list-style-type: none"> • Formulate an exposure control plan for blood-borne pathogens; • Provide staff members and visitors with information on infection control policies and procedures; • Establish Universal / Standard Precautions to treat all blood and other potentially infectious materials with appropriate precautions, including: <ul style="list-style-type: none"> ○ Immunization for staff members as necessary (e.g., vaccination for hepatitis B virus) ○ Use of gloves, masks, and gowns

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> ○ Provide adequate facilities for hand washing. Hand washing is the single most important procedure for preventing infections (e.g., nosocomial and community). Hand washing will involve use of soap / detergent, rubbing to cause friction, and placing hands under running water. Handwashing will be undertaken before and after direct patient contacts and contact with patient blood, body fluids, secretions, excretions, or contact with equipment or articles contaminated by patients. Washing of hands will also be undertaken before and after work shifts; eating; smoking; use of personal protective equipment (PPE); and use of bathrooms. If hand washing is not possible, appropriate antiseptic hand cleanser and clean cloths / antiseptic towelettes will be provided. ○ Provide procedures and facilities for handling dirty linen and contaminated clothing, and preparing and handling food ○ Ensure appropriate cleaning and waste disposal practices for the health care workplace ● The following recommendations shall be implemented when using and handling of needles / sharps: <ul style="list-style-type: none"> ○ Use safer needle devices and needleless devices to decrease needlestick or other sharps exposures ○ Do not bend, recap, or remove contaminated needles and other sharps unless such an act is required by a specific procedure or has no feasible alternative ○ Do not shear or break contaminated sharps ○ Have needle containers available near areas where needles may be found ○ Discard contaminated sharps immediately or as soon as feasible into appropriate containers ○ Used disposable razors shall be considered contaminated waste and disposed of in appropriate sharps containers ● Establish policies to exclude animals from facility area/property.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<p>Personnel involved in waste management to reduce the risk of transferring infectious diseases:</p> <ul style="list-style-type: none"> • Implement immunization for staff members, as necessary (e.g. vaccination for hepatitis B virus, tetanus immunization); • Provide adequate supplies of PPE for personnel involved in waste management including: overalls / industrial aprons, leg protectors, boots, heavy duty gloves, helmets, visors / face masks and eye protection (especially for cleaning of hazardous spills), and respirators (for spills or waste involving toxic dust or incinerator residue) as necessary; • Provide washing facilities for personal hygiene, particularly at waste storage locations. • Ensure appropriate waste segregation at the facility
Operations Phase E&S Risks and Impacts		
9	OHS impacts and risks at Laboratories and HCFs	<p>Exposure to hazardous materials and waste</p> <ul style="list-style-type: none"> • Replacement of the hazardous substance with a less hazardous substitute • Implementation of engineering and administrative control measures to avoid or minimize the release of hazardous substances into the work environment keeping the level of exposure below internationally established or recognized limits • Keeping the number of employees exposed, or likely to become exposed, to a minimum • Communicating chemical hazards to workers through labeling and marking according to national and internationally recognized requirements and standards, including the International Chemical Safety Cards (ICSC), Materials Safety Data Sheets (MSDS), or equivalent. Any means of written communication should be in an easily understood language and be readily available to exposed workers and first-aid personnel • Training workers in the use of the available information (such as MSDSs), safe work practices, and appropriate use of PPE

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<p>Air quality</p> <ul style="list-style-type: none"> • Maintaining levels of contaminant dusts, vapors and gases in the work environment at concentrations below those recommended by the ACGIH68 as TWA-TLV's (threshold limit value)—concentrations to which most workers can be exposed repeatedly (8 hours/day, 40 hrs/week, week-after-week), without sustaining adverse health effects. • Developing and implementing work practices to minimize release of contaminants into the work environment including: <ul style="list-style-type: none"> • Direct piping of liquid and gaseous materials • Minimized handling of dry powdered materials; • Enclosed operations • Local exhaust ventilation at emission / release points • Vacuum transfer of dry material rather than mechanical or pneumatic conveyance • Indoor secure storage, and sealed containers rather than loose storage • Where ambient air contains several materials that have similar effects on the same body organs (additive effects), considering combined exposures using calculations recommended by the ACGIH • Where work shifts extend beyond eight (8) hours, calculating adjusted workplace exposure criteria recommended by the ACGIH <p>Fire and explosions</p> <ul style="list-style-type: none"> • Storing flammables away from ignition sources and oxidizing materials. Further, flammables storage area should be: <ul style="list-style-type: none"> ○ Remote from entry and exit points into buildings ○ Away from facility ventilation intakes or vents ○ Have natural or passive floor and ceiling level ventilation and explosion venting ○ Use spark-proof fixtures

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> ○ 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 ● Providing bonding and grounding of, and between, containers and additional mechanical floor level ventilation if materials are being, or could be, dispensed in the storage area ● Where the flammable material is mainly comprised of dust, providing electrical grounding, spark detection, and, if needed, quenching systems ● Defining and labeling fire hazards areas to warn of special rules (e.g. prohibition in use of smoking materials, cellular phones, or other potential spark generating equipment) ● Providing specific worker training in handling of flammable materials, and in fire prevention or suppression ● Installation of smoke alarms and sprinkler systems; ● Maintenance of all fire safety systems in proper working order, including self-closing doors in escape routes and ventilation ducts with fire safety flaps; ● Training of staff for operation of fire extinguishers and evacuation procedures; ● Development of facility fire prevention or emergency response and evacuation plans with adequate guest information. ● Regular fire safety audits <p>Biological Hazards</p> <ul style="list-style-type: none"> ● Avoid use of harmful biological agents. Take precautions and keep the risk of exposure as low as possible, within internationally established and recognized exposure limits. ● Work processes, engineering, and administrative controls will be designed, maintained, and operated to avoid and minimize release of biological agents into working environment and minimize employees exposure .

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • The management will review and assess known and suspected presence of biological agents at the place of work and implement appropriate safety measures, monitoring, training, and training verification programs. • Design, implement and maintain measures to eliminate and control hazards from known and suspected biological agents at the place of work in close co-operation with the local health authorities and according to recognized international standards. • Always encourage and enforce the highest level of hygiene and personal protection. • HVAC systems should be equipped with High Efficiency Particulate Air (HEPA) filtration systems. • <p>Ergonomics, Repetitive Motion, Manual Handling</p> <ul style="list-style-type: none"> • Facility and workstation design with 5th to 95th percentile operational and maintenance workers in mind • Use of mechanical assists to eliminate or reduce exertions required to lift materials, hold tools and work objects, and requiring multi-person lifts if weights exceed thresholds • Selecting and designing tools that reduce force requirements and holding times, and improve postures • Providing user adjustable work stations • Incorporating rest and stretch breaks into work processes, and conducting job rotation • Implementing quality control and maintenance programs that reduce unnecessary forces and exertions • Taking into consideration additional special conditions such as left-handed persons. <p>Personal Protective Equipment (PPE)</p> <ul style="list-style-type: none"> • Ensure access and active use of PPE to reduce hazards or exposure • Identification and provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out. Proper use of PPE should be part of the recurrent training programs for employees • Selection of PPEs based on the hazard and risk ranking, and according to established criteria on performance and testing.
10	OHS impacts and risks at the pharmaceutical plant	<p>Exposure to hazardous materials and waste</p> <ul style="list-style-type: none"> • Replacement of the hazardous substances with a less hazardous substitutes • Implementation of engineering and administrative control measures to avoid or minimize the release of hazardous substances into the work environment and keeping the level of exposure below internationally established or recognized limits • Keeping the number of employees exposed, or likely to become exposed, to a minimum • Communicating chemical hazards to workers through labeling and marking according to national and internationally recognized requirements and standards, including the International Chemical Safety Cards (ICSC), Materials Safety Data Sheets (MSDS), or equivalent. Any means of written communication should be in an easily understood language and be readily available to exposed workers and first-aid personnel • Training workers in the use of the available information (such as MSDSs), safe work practices, and appropriate use of PPE <p>Air quality</p> <ul style="list-style-type: none"> • Maintaining levels of contaminant dusts, vapors and gases in the work environment at concentrations below those recommended by the ACGIH68 as TWA-TLV's (threshold limit value)—concentrations to which most workers can be exposed repeatedly (8 hours/day, 40 hrs/week, week-after- week), without sustaining adverse health effects. • Developing and implementing work practices to minimize release of contaminants into the work environment including: <ul style="list-style-type: none"> ○ Direct piping of liquid and gaseous materials ○ Minimized handling of dry powdered materials; ○ Enclosed operations ○ Local exhaust ventilation at emission / release points

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> ○ Vacuum transfer of dry material rather than mechanical or pneumatic conveyance ○ Indoor secure storage, and sealed containers rather than loose storage ● Where ambient air contains several materials that have similar effects on the same body organs (additive effects), considering combined exposures using calculations recommended by the ACGIH ● Where work shifts extend beyond eight (8) hours, calculating adjusted workplace exposure criteria recommended by the ACGIH <p>Fire and explosions</p> <ul style="list-style-type: none"> ● Storing flammables away from ignition sources and oxidizing materials. Further, flammables storage area will be: <ul style="list-style-type: none"> ○ Remote from entry and exit points into buildings ○ Away from facility ventilation intakes or vents ○ Have natural or passive floor and ceiling level ventilation and explosion venting ○ Use spark-proof fixtures ○ 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 ● Providing bonding and grounding of, and between, containers and additional mechanical floor level ventilation if materials are being, or could be, dispensed in the storage area ● Where the flammable material is mainly comprised of dust, providing electrical grounding, spark detection, and, if needed, quenching systems ● Defining and labeling fire hazards areas to warn of special rules (e.g. prohibition in use of smoking materials, cellular phones, or other potential spark generating equipment) ● Providing specific worker training in handling of flammable materials, and in fire prevention or suppression

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Installation of smoke alarms and sprinkler systems; • Maintenance of all fire safety systems in proper working order, including self-closing doors in escape routes and ventilation ducts with fire safety flaps; • Training of staff for operation of fire extinguishers and evacuation procedures; • Development of facility fire prevention or emergency response and evacuation plans with adequate guest information. <p>Biological Hazards</p> <ul style="list-style-type: none"> • Avoid use of any harmful biological agents and take precautions to keep the risk of exposure as low as possible and below internationally established and recognized exposure limits. • Work processes, engineering, and administrative controls will be designed, maintained, and operated to avoid or minimize release of biological agents into the working environment, employee's exposure will be kept at a minimum. • The facility management will review and assess known and suspected presence of biological agents at the place of work and implement appropriate safety measures, monitoring, training, and training verification programs. • Measures to eliminate and control hazards from known and suspected biological agents at the place of work will be designed, implemented and maintained in close co-operation with the local health authorities and according to recognized international standards. • The management should always encourage and enforce the highest level of hygiene and personal protection. • HVAC systems will be equipped with High Efficiency Particulate Air (HEPA) filtration systems <p>Ergonomics, Repetitive Motion, Manual Handling</p> <ul style="list-style-type: none"> • Facility and workstation design with 5th to 95th percentile operational and maintenance workers in mind

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Use of mechanical assists to eliminate or reduce exertions required to lift materials, hold tools and work objects, and requiring multi-person lifts if weights exceed thresholds • Selecting and designing tools that reduce force requirements and holding times, and improve postures • Providing user adjustable work stations • Incorporating rest and stretch breaks into work processes, and conducting job rotation • Implementing quality control and maintenance programs that reduce unnecessary forces and exertions • Taking into consideration additional special conditions such as left handed persons <p>Personal Protective Equipment (PPE)</p> <ul style="list-style-type: none"> • Enhance access and active use of PPEs to reduce hazards or exposure • Identification and provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors, without incurring unnecessary inconvenience to the individual • Proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out. Proper use of PPE to be part of the recurrent training programs for employees • Selection of PPE to be based on the hazard and risk ranking described earlier in this section and according to criteria on performance and testing established.
	General/ additional for labs/ Pharmaceutical plants)	<p>Heat</p> <ul style="list-style-type: none"> • Steam and thermal fluid pipelines will be insulated, marked, and regularly inspected; • Steam vents and pressure release valves will be directed away from areas where workers have access; • High temperature areas of presses will be screened to prevent ingress of body parts. <p>Chemical Safety</p> <ul style="list-style-type: none"> • Worker training • Work permit systems

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> • Use of personal protective equipment (PPE) • Toxic gas detection systems with alarms • Use of partitioned workplace areas with good dilution ventilation and / or differential air pressures • When toxic materials are handled, laminar ventilation hoods or isolation devices shall be installed • Manufacturing areas/Laboratory will be equipped with suitable heating ventilation and air conditioning (HVAC) systems designed according to current Good Manufacturing Practice (cGMP) protocols, including use of high efficiency particulate air (HEPA) filters in ventilation systems, particularly in working areas and sterile product manufacturing areas • Use of gravity charging from enclosed containers and vacuum, pressure, and pumping systems during charging and discharging operations to minimize fugitive emissions • Use of local exhaust ventilation (LEV) with flanged inlets to capture fugitive dusts and vapors released at open transfer points • Conducting liquid transfer, liquid separation, solid and liquid filtration, granulation, drying, milling, blending, and compression in work areas with good dilution and LEV • Enclosing of granulators, dryers, mills, and blenders, and venting to air-control devices • Use of dust and solvent containment systems in tablet presses, tablet-coating equipment, and capsule-filling machines. Tablet-coating equipment should be vented to VOC emission control devices • Select and use less hazardous agents in all processes (e.g. alcohols and ammonium compounds in sterilization processes) • Locate sterilization vessels in separate areas with remote instrument and control systems, non-recirculated air, and LEV to extract toxic gas emissions. Gas sterilization chambers to be evacuated under vacuum and purged with air to minimize fugitive workplace emissions before sterilized goods are removed • Use vacuuming equipment with HEPA filters and wet mopping instead of dry sweeping and blowing of solids with compressed air.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<p>Noise and excessive vibration</p> <ul style="list-style-type: none"> • Avoid employee exposure to a noise level greater than 85 dB(A) for a duration of more than 8 hours per day without hearing protection. In addition, no unprotected ear will be exposed to a peak sound pressure level (instantaneous) of more than 140 dB(C). • Actively enforce use of hearing protection when the equivalent sound level over 8 hours reaches 85 dB(A), the peak sound levels reach 140 dB(C), or the average maximum sound level reaches 110dB(A). Provide and use hearing protective devices capable of reducing sound levels at the ear to at least 85 dB(A). • Although hearing protection is preferred for any period of noise exposure more than 85 dB(A), an equivalent level of protection can be obtained, but less easily managed, by limiting the duration of noise exposure. For every 3 dB(A) increase in sound levels, the 'allowed' exposure period or duration shall be reduced by 50 percent. • Prior to the issuance of hearing protective devices as the final control mechanism, use of acoustic insulating materials, isolation of the noise source, and other engineering controls to be investigated and implemented. • Periodic medical hearing checks shall be performed on workers exposed to high noise levels <p>Road Safety Risks</p> <p>Measures for workers that are travelling (via road)</p> <ul style="list-style-type: none"> • Road safety training • Induction of all project staff on their roles and responsibilities relating to road safety <p>Measures for truck drivers</p> <ul style="list-style-type: none"> • Adoption of best transport safety practices across all aspects of project operations with the goal of preventing traffic accidents and minimizing injuries suffered by project personnel and the public. Measures shall include: <ul style="list-style-type: none"> ○ Emphasizing safety aspects among drivers ○ Improving driving skills and requiring licensing of drivers ○ Adopting limits for trip duration and arranging driver rosters to avoid overtiredness.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		<ul style="list-style-type: none"> ○ Avoiding dangerous routes and times of day to reduce the risk of accidents ○ Use of speed control devices (governors) on trucks, and remote monitoring of driver actions • Regular maintenance of vehicles and use of manufacturer approved parts to minimize potentially serious accidents caused by equipment malfunction or premature failure. • Employing safe traffic control measures, including road signs and flag persons to warn of dangerous conditions • ERP training • Driving for work policy <p>Emergency Response Plans</p> <ul style="list-style-type: none"> • The facility management shall prepare and implement an emergency response plan, during a critical events including natural disasters, severe weather, pandemics and infectious diseases, facility emergencies, acts of workplace violence, civil disturbances, IT events, operational events, and corporate/crisis communication events to ensure employees' safety and minimize the impact on critical operations. All-hazards approach to risk assessment will be used to ensure all bases are covered and preparedness for all kinds of threats • Regularly review and update the plan including emergency evacuation procedures, roles and responsibilities, emergency contacts, evacuation routes, how to act during an emergency, how to mitigate risk to people and facilities, and detailed communication procedures to follow during and after a specific emergency occurs • Prepare and sensitize staff and communities on emergency evacuation procedures. • Conduct regular drills on emergency response to enhance emergency preparedness and response

4 OVERVIEW OF LABOR LEGISLATION

4.1 TERMS AND CONDITIONS

Kenya has a comprehensive legal system governing labor and working conditions. Several pertinent provisions are included in the CoK 2010, notably *Article 2*, which acknowledges ratified treaties as being a component of Kenyan law. *Article 41* (on Labor Relations) explains the rights and protections that employees, employers, and unions have access to and can use within Kenya's employment system. These privileges are founded on fundamental freedoms and rights for people, such as *Article 28's* right to human dignity, *Article 30's* prohibition on all forms of slavery and *Article 31's* guarantee that everyone's right to privacy be maintained.

Article 27 on non-discrimination provides for equality and prohibits discrimination on various grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language, or birth.

Some of the international labour statutes that apply in Kenya include: International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD); Convention on the Rights of the Child, 1990, (CRC); Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 (ICRMW); Convention on the Rights of Persons with Disabilities; (CRPD) and Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW).

The instruments of the International Labor Organization (ILO) applicable in Kenya include:

1. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
2. The Right to Organize and Collective Bargaining (ILO Convention 98); Forced Labor (ILO Convention 29);
3. The Abolition of Forced Labor (ILO Convention 105);
4. Minimum Age (of Employment) (ILO Convention 138);
5. The Worst Forms of Child Labor (ILO Convention 182);
6. Equal Remuneration (ILO Convention 100); and
7. Discrimination (Employment and Occupation) (ILO Convention 111).

Kenya's defining legislative enactment for employment rules is the *Employment Act* of 2007. It focuses on regulating the multi-dimensional relationship between employers, employees, and the government, as well as the State's duty as a mediator to protect both parties' rights. The Act, which has undergone numerous amendments, outlined the fundamental rights of workers and lays out the prerequisites for employment, including rules on the hiring of minors. As a result, this Act most closely adheres to the fundamental requirements stated in the World Bank's *ESS2* Standard. The Act has a single subsidiary legislation titled the *Employment (General) Rules, 2014* that largely expounds on the terms and conditions of work - aside from other procedural aspects; with an entire schedule outlining the minimum rights bestowed upon employees, and another dedicated to the requisite elements of the *Policy Statement on Sexual Harassment*.

The *Employment Act* deals with the power dynamics between employers and employees, concentrating on the engagement of employers and employees from the narrow perspective of a direct contractual

arrangement between the two parties. The assumption is that all persons who fulfill the descriptions of 'employer' and 'employee' are regulated by this law, including those undertaking development initiatives.

The law uses a variety of methods to categorize employees, including by nature, and length of employee engagements. The categories include part-time, full-time, piece work (where the focus is on the amount of work performed regardless of the time occupied in its performance), casual employees (who are not engaged for a longer period than 24 hours at a time), and employees with probationary contracts (which address the formalities and length of the probationary period)⁶. The Act also specifies the conditions that must be met by migrant workers before they can be employed, which is the case with individuals who migrate to Kenya specifically for employment-related reasons. It also handles the nationality and origin of the employees. The Act also specifies the minimal terms and conditions of an employee's employment as well as the grounds for contract cancellation. This is done to deter arrangements that seek to undermine the statutory standards.⁷

Overall, the laws and standards are aligned with the ESS2, save for the requirement that the primary suppliers be compliant with the laws in addition to establishing a responsive grievance redress mechanism, for this project.

4.2 OCCUPATIONAL HEALTH AND SAFETY

Kenya's law governing workplace safety and health is the Occupational Safety and Health Act⁸. The law provides for "the safety, health and welfare of workers and all persons lawfully present at workplaces and establishes the National Council for Occupational Safety and Health". This statute generally addresses potential risks to workers' health at work. These concerns would likely remain the same, if there's only one individual likely to be affected; and thus, the standards set under the Act are largely focused upon the environmental and social risks to persons at the workplace. With the aim of allowing for the management of the intended and unintended safety and health consequences that may be wrought by potential hazards, Part VI (on Health-General Provisions), Part VII (on Machinery Safety), Part VIII (on Safety-General Provisions), Part IX (on Chemical Safety), Part XI (on Health, Safety and Welfare - Special Provisions), and Part XII (on Special Applications) provide for various occupational safety and health scenarios (in detail). These safety and health consequences are more localized to individual workers, by virtue of their presence in the premise, than upon the wider society.

Cooperation between employers and employees on occupational safety and health will take place through the Safety and Health Committees (which should be established at each workplace), which give workers the power to control the planned and unintentional health and social effects of their employment. Additionally, raising public awareness will be necessary to further empower everyone working to protect their own health through training and workplace publicity campaigns (primarily through signage) to raise public awareness of potential occupational safety and health hazards.

⁶ The probation period is not more than 12 months' duration or part thereof

⁷ Sec 3 (6) of The Employment Act, No. 11 of 2007

⁸ OSH Act No 15 of 2007

The Work Injury Benefits Act⁹ (WIBA), which has subsequently undergone numerous amendments, also concerns workplace safety and health. It offers benefits to individuals who sustain work-related illnesses and injuries during their employment. The Act offers compensation for "injured" employees and their dependents who suffer harm because of workplace accidents. The entitlement and guarantee provided regarding compensation are covered in Part III (on Right to Compensation). This clause might be extended to cover COVID-19 infections acquired at work.

The PMT could refer to applicable international conventions, and directives for addressing health and safety issues, such as:

- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017
- EU OSH Framework Directive (Directive 89/391)

Protection against possible risks as provided in Section 6 (2) of the OSH Act, 2007 will be managed through:

- a. Establishing and maintaining work practices that are risk-free and safe for health;
- b. Planning to guarantee health and safety in the use, handling, storage, and transportation of objects, substances, and materials;
- c. Giving everyone working at the site the essential information, guidelines, training, and oversight to protect their health and safety at work;
- d. Maintenance of any in conditions that are safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks to health;
- e. Making sure that everyone who works there is aware of (i) any risks posed by new technology, (ii) any dangers that may arise, and (iii) appropriate recourse measures; and
- f. Making sure that every employee takes part in the implementation and evaluation of safety and health measures.

4.3 LABOUR INSPECTORATE

Kenya's Ministry of Labour oversees a dual system of inspection covering general labour inspection (Labour Department) and occupational safety and health (Directorate of Occupational Safety and Health Services (DOSHS). The DOSHS is responsible for enforcing two pieces of legislation: the Occupational Safety and Health Act, 2007 and the Workers' Injury Benefit Act, 2007. The monitoring and enforcement of the Employment Act and the Industrial Relations Act (2007) is the responsibility of the Labour Department. The Employment Act applies to all employees employed by any employer under a contract of service and excludes the armed forces, police, prisons service, the National Youth Service and family undertakings. The Occupational Safety and Health Act applies to all workplaces where any person is at work, whether temporarily or permanently. All labour officers within the MOL have the capacity of labour inspectors and to resolving labour disputes.

4.4 OHS CONSIDERATIONS DURING PROJECT IMPLEMENTATION

The MoH shall ensure necessary safeguards are put in place to meet Kenya OHS requirements, World Bank requirements (ESS2, EHSGs), and EHS General - related to construction activities; (ii) WB EHS for Health Care Facilities - including those related to HCF operations and labs; and (iii) WB EHS Pharmaceuticals & Biotechnology Manufacturing - including those related to operation phase. These will include:

- a. The OHS measures will be designed and implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life threatening; (b) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness and response arrangements to emergency situations; and (f) remedies for adverse impacts such as occupational injuries, deaths, disability and disease.
- b. All parties who employ or engage 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, including by use of appropriate measures relating to chemical, physical and biological substances and agents. Such parties will actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as in providing information to project workers, training on occupational safety and health, and provision of personal protective equipment without expense to the project workers. There will be regular OHS audit of each facility to ensure compliance with requirements stated in the Act, OSHA
- c. Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.
- d. Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest. Where accommodation services are provided to project workers, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social, and cultural needs. The employer should ensure that these are maintained in good working order and are regularly cleaned. Separate toilets and accommodation for men and women should be provided.
- e. Where project workers are employed or engaged by more than one party and are working together in one location, the parties who employ or engage the workers will collaborate in applying the OSH requirements, without prejudice to the responsibility of each party for the health and safety of its own workers.
- f. Participation of organizations with the authority to enforce OHS programs, such as Occupation Safety (OSHA). This will include required worksite inspections as specified by the law and Health Act (OSHA); trainings offered to the project staff;
- g. regular health and safety training for employees during the implementation phase.
- h. usage of suitable and sufficient safety warning signage; emphasis on recording near-misses and accidents and conducting investigations and documentation of them. The findings of the investigation will be applied to all projects to establish preventative and protective measures. To

reduce exposure risks, all project personnel (direct, contract, and migrant) will get clear and intelligible information about their jobs.

- i. For project construction works, a subproject ESMP will be developed according to the ESMF, and this will include subproject OHS measures. The bid and contract for such works will include OHS terms and conditions including for the Contractor to prepare and implement a C-ESMP which shall include an OHS Plan.
- j. For all subprojects involving HCFs, laboratories or vaccine/pharmaceutical production, an operation phase OHS plan shall be prepared and implemented.
- k. For all project activities that involve travel or use of trucks and vehicles, a set of traffic safety measures shall be developed and implemented (including training)
- l. In the case of any significant OHS incident or accident related to the Project, provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate. Subsequently, at the WB's request, prepare a report on the incident or accident within 48 hours and propose any measures to address it and prevent its recurrence.
- m. For Primary Suppliers, the project shall comply with ESS2 requirements. These include prohibition of use child labor, forced labor and mitigation of serious safety issues which may arise in relation to primary suppliers undertaking their assignment.

5 RESPONSIBLE STAFF

The PMT will oversee overall project management and coordination, as well as ensuring that the requirements for ESHS risk management, such as those in this document, are met. The PMT will work with a consultant or consultants with knowledge of environmental, health and safety (the team should get in touch with and collaborate with Labor officers and OHS officers from the Ministry of Labour accessible in most counties across the nation). The following duties will fall under the purview of the PMT:

- a) Undertake the overall implementation of this LMP;
- b) Engage and manage consultants and contractors in accordance with this LMP and the applicable Procurement Documents;
- c) Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents;
- d) Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers;
- e) Provide training to mitigate social risks including SEA-SH of project workers;
- f) Ensure that the GRM for project workers is established and implemented and that project workers are informed about it;
- g) Monitoring the implementation of the Worker Code of Conduct; and
- h) Report to the World Bank on labor and OHS performance and key risks and complaints.

Promoting the adoption of the LMP and OHS requirements within the project will be the responsibility of social and environmental specialists in the PMT. The implementation of these crucial project elements falls under the purview of the project manager and the entire PMT. The Social and Environmental Specialists will oversee the following:

- a) Supervise workers' adherence to the LMP;
- b) Prepare, review, approve the various OHS measures and plans.
- c) Maintain records of recruitment and employment of contracted workers (including sub-contractors);
- d) Provide induction training to heads of contracted workers organizations or EHS officers on environmental, social and OHS issues. This will include SEA-SH;
- e) Require primary supplier(s) to identify and address risks of child labor, forced labor and serious safety issues and undertake due diligence to ensure this is done;
- f) Develop and implement the GRM for contracted workers, including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances including grievances related to SEA-SH and resolutions regularly to the PMT and World Bank. Also, the PMT should ensure that a GRM is outlined in contractor C-ESMP
- g) Ensure all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC;
- h) Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities (Annex 1); and
- i) Report to the PMT on labor and OHS performance.

Table 5.1 presents a summary of the project staff/entity responsible for various key responsibility areas.

Table 5.1 Summary of the Project Staff/Entity Responsible for Various Key Responsibility Areas

Responsibility area	Direct and contracted workers	Primary supply workers
Hiring and managing individual project workers	PMT PMT will oversee the work of consultants hired for project activities	n/a (outside the scope of ESS2)
OSH	PMT, Contractor All workers (long-term and casuals) will follow OHS measures	The PMT will assess the risk levels/safety issues of primary suppliers and as needed require them to develop procedures to address these risks
Child labor and forced labor	Contractor PMT to ensure the contract does not allow child and forced labor and age verification procedures are maintained	<ul style="list-style-type: none"> • Primary supplier to adhere to child labor requirements. • PMT to review
Training	PMT/contractors/Operators	n/a (outside the scope of ESS2)
Code of conduct	PMT, Contractor The contract to commit workers to comply with a code of conduct through signing	
Grievance mechanism	PMT/Contractors/facility-in-charge	
Monitoring and reporting	PMT/Contractors/operators to monitor and report World Bank	PMT to monitor compliance PMT to report to World Bank.

It is noteworthy that the LMP guidelines, which will be prepared by the Management, should explicitly assign responsibilities to each member in providing the essential oversight given that the PMT has just been formed with new members being seconded from other agencies and/or ministries. For instance, if a social specialist has been appointed, he or she shall supervise the GRM's implementation and guarantee adequate stakeholder consultation. The environmental specialist should oversee monitoring, supervising, and reporting on health and safety. Additional roles would be:

- a. Training of workers on OHS;
- b. Monitoring, supervising, and reporting on health and safety issues including details of key responsibilities and reporting arrangements made with contractors and operators;
- c. Coordinating and reporting arrangements between contractors and operators;
- d. Following up on the feedback mechanisms between the contractors and their workers and flagging out any issues for redress; and
- e. Reporting on a regular basis on the overall project progress.

Labour officers and OHS officers: are from the ministry of labour, [Department of Labour and Directorate of occupation safety and health services (DOSHS)]. These services are carried out to ensure that every workplace is free of any hazards and complies to laid down standards to assure safety of employees. Responsibilities include;

- a. Registration and renewal of workplaces and plants,
- b. Workplace inspection & audits- involving checking the condition of workplaces
Critical examination and inspections of workplace help to identify and record hazards for corrective action and prevent injuries, illnesses, incidents, and accidents.
- c. Examination & testing of plants to guarantee that they are in a good working condition.
- d. Accident investigation & WIBA processing. Employers must report accidents and employee injuries to DOSHS County offices within 24 hours if the accident is fatal, and within 7 days for non-fatal accidents. Using DOSHS1 form. This triggers an accident investigation. A county DOSHS officer visits the workplace where the accident happened to undertake an investigation and write a report on the nature, cause, and impact of the accident. The report forms a basis for seeking compensation through WIBA (Work Injury Benefit Act). The employer is held responsible if they have not taken up WIBA. Insurance cover.

Contractors

Contractor's responsibilities in the implementation of the LMP and OSH compliance will include

- a) Prepare the C-ESMP and undertake the overall implementation of OSH in compliance with the C-ESMP;
- b) Engage and manage employees in accordance with labour laws and ESS2 standards;
- c) Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers;
- d) Sensitize own staff on OSH and SEAH-SH risk mitigation measures and sanctions for violating the CoC;
- e) Ensure that workers are aware and understand the Project workers GRM and how they can report their grievances;
- f) Ensure own workers sign the Code of Conduct and monitor compliance; and

- g) Report to the PMT on labor and OHS performance and key risks and complaints.

6 POLICIES AND PROCEDURES

A summary of indicative procedures to develop and implement the LMP policies is provided below.

- a) **Occupational health and safety (OHS):** The MoH will manage the project in accordance with the pertinent provisions of the national OSH Act, Employment Act, ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs) – General, Health Care Facilities, and Pharmaceuticals and Biotechnology Manufacturing), and WB standard procurement documents, so that project workers are adequately protected against potential OHS risks. Additionally, the contractors and operators will be expected to develop policies and practices that adhere to these rules. Identification of potential workplace hazards, provision of protective measures, training of employees, maintenance of training records, documentation and reporting of occupational accidents and incidents, emergency preparedness, and remedies for workplace injuries and fatalities are all important components of OSH measures.
- b) **Child labor:** The project has a stated minimum age requirement of 18 years of age or older for project workers. All contracts must include clauses requiring compliance with the minimum age requirements, including penalties for non-compliance in accordance with the applicable legislation, to prevent the hiring of workers who are underage. The PMT is obligated to keep an age-verified labor registration of all employed individuals. [Section 7](#) gives more information.
- c) **Labor influx:** The contract for the project will include that the contractors must prioritize hiring unskilled workers from the neighborhood and adjacent towns to reduce labor influx. Prior to the start of employment, all contractual workers will be asked to sign the CoC, which contains a clause to address the risk of Gender Based Violence (GBV) (see [Annex 1](#) on the Guideline on CoC).
- d) **Labor disputes over terms and conditions of employment:** Fair terms and conditions shall be imposed for project workers (directed by pertinent regulations) to prevent labor disputes. Additionally, the project will have GRMs for workers (both direct employees and contracted employees) to swiftly resolve any workplace complaints (further information is provided in Section 10). Additionally, the project will adhere to the Employment Act 2007's provisions regarding workers' freedom of association and the right to form labor unions.
- e) **Discrimination and exclusion of vulnerable groups:** There will be no discrimination in any aspect of the employment relationship, including recruitment and hiring, terms of employment (including pay and benefits), termination, and access to training. The employment of project workers will be based on the principles of inclusion, equal opportunity, and fair treatment. The project must adhere to the Employment Act of 2007, which mandates gender equality at work and includes maternity, paternity and sick leave, non-discrimination, equal pay, right to organize and industrial action. Additionally, there will be adequate and suitable restroom and laundry facilities, with separate areas for male and female workers. There will be adequate provisions for other vulnerable groups including persons with disabilities (PWDs) and women. These conditions, which are also a part of the monitoring system, will be included in the contracts with third parties.
- f) **GBV and SEA-SH:** Given the implementation setting, there is a risk of sexual harassment, coworker exploitation, and abuse. Therefore, all employees and contractors are required to sign the code of conduct (CoC), which outlines the expected standards of conduct in this regard, and to participate in a session on the topic, which also covers the repercussions of such actions. To provide training in GBV and SEA-SH, the MoH will find a certified trainer or consultant (the development partners may be contacted for assistance). For handling GBV and SEA complaints, a separate GRM will be established, as detailed below.

A GBV Action Plan has been developed to accompany the implementation of the project. The Plan is based on existing protection, prevention and mitigation strategies and measures developed by the WB and coordinated through the PMT of the AFE project. The grievance procedure shall have a particular and sensitive approach to GBV-related situations and should be handled according to the complainant's informed permission to avoid the risk of stigmatization, amplification of the mental/psychological injury, and potential reprisals. When a case like this is reported, the complainant should be informed of the services that are available, such as confidential, suitable medical and psychological support, emergency housing, and any other services that may be required, including legal assistance. Support for using these services should be given to the survivor. Within 72 hours of the occurrence, staff should advise the victim/complainant to see a medical facility that offers free post-SEA health support. The only information that should be determined if a case of GBV is reported to staff or GRM focal points is whether the incident involves a project worker, the nature of the incident, the complainant's age, and sex, and whether the survivor/complainant was referred to service provision. If a project employee is involved, the issue should be reported right away to the head of PMT.

- g) **Monitoring and reporting:** The PMT is required to provide a monthly report on the progress of the policies and processes. The PMT will keep a close eye on the project's labor and OHS performance and provide a quarterly report to the World Bank (see Section 10 for more information). However, in the case of accidents or incidents, PMT is required to notify the World Bank within 48 hours. In response to mishaps or accidents connected to the project, corrective measures must be taken. For creating and implementing additional remedial actions, the PMT or, as appropriate, a consultant, may perform a root cause analysis.

6.1 Contractor's Responsibilities

Contractors will be expected to develop policies and practices that adhere to these rules in accordance with the contracts and C-ESMP. Summarily, they will identify potential workplace hazards, provide protective measures, train employees, maintain training records, document and report occupational accidents and incidents, develop emergency preparedness procedures, and provide remedies for workplace injuries and fatalities. Contractors and supervising firms will submit monthly reports to the World Bank upon request as annexes to the reports to be submitted under the PMT. However, any fatalities must be reported within 24 hours.

6.2 Whistleblowing and Protection Against Retaliation

The Project will provide protection against retaliation for all workers who become whistleblowers. Whistleblowers are Project workers who report, in good faith, suspected wrongdoing to the PMT and may be subject to retaliatory action as a result. A whistleblowing policy rooted in the following underlying approach will be developed by the PMT at the Project onset:

- Project workers have an obligation to report wrongdoing;
- the Project has a duty to protect whistleblowers against retaliation;
- the Project has a duty to address wrongdoing by instituting remedies and taking disciplinary action as appropriate;
- and retaliation constitutes misconduct.

Primary supply and community workers are also encouraged to report any suspicious wrongdoing to PMT.

The identity of a whistleblower that comes forward for advice regarding the reporting of suspected wrongdoing is protected. Confidentiality will only be waived with their express consent.

7 AGE OF EMPLOYMENT

The minimum employment/work age set by the implementing agencies as required by law is 18 years old, and it will be one of the conditions of the contracts involving child labor. Employees' ages must be verified and documented prior to being hired. The National ID Card (ID) or the passport will be used as a general method of age verification. To engage VMGs who might not have ID cards or passports, a verification from a reputable local leader is sufficient.

Violation or breach of implementing agencies' standard on child labor may result into termination of contract.

8 TERMS AND CONDITIONS

Part III on Employment Relationship (as read with Part V on Rights and Duties in Employment; and Part VI on Termination and Dismissal) of the Employment Act 2007 comprehensively addresses various concerns, including the minimal, legislative requirement of any employment agreement. According to Section 14 on Reasonably Accessible Document or Collective Agreement, the employee has a legal right to important employment information and paperwork. The Protection of Wages section of Part IV of the Act sets forth the minimum requirements for all salary schemes.

The employer's capacity to influence how the employees use their pay has been expressly limited by law. The Rights and Duties in Employment are the subject of Part V, which specifies the obligations of both employers and employees. The choice of working hours is legally up to the employer, but there must be a weekly rest day or days. The Act also addresses issues related to employee leave (specific terms are provided in Annex 3).

Part VI of the Act covers Termination and Dismissal. It describes the legal procedures for ending a contract between an employer and an employee. To prevent ambushing the other party, termination notice(s) are legally required of the party wishing to terminate the contractual agreement. A payment in lieu of notice may be made by the party wanting to terminate the employment agreement, or the employer may merely waive the employee's requirement to do so.

There should be due process for the employee to present a defense and refute the claims in cases where the contractual arrangement is terminated owing to suspected employee wrongdoing. The employer must provide a valid reason for the dismissal and supporting documentation. The employer may choose to dismiss the employee summarily (with due process) if the reason (and the evidence supporting it) is grave enough to meet the requirements. The termination must not amount to an unfair, unlawful and/or unreasonable dismissal for what is otherwise lawful, reasonable and the exercise of the employee's entitlements (such as employee's pregnancy). Additionally, the Act requires employers to pay separation and severance benefits on time. All accrued salary/wages, allowances and benefits, pension and pension

contributions, and any other employee entitlements will be paid at the time of working relationship termination or earlier.

For this project, the following provisions will inform all management of workers:

- a. **Direct workers:** National labor laws will govern the terms and conditions of direct workers in PMT, consultants, and workers at project-supported facilities. Short-term employees are not entitled to maternity leave, yearly leave, or other types of leave. Their terms and conditions will be based on an assignment that must be finished within a certain time frame and be paid for per day. These terms and conditions ought to be covered during the hiring process; and
- b. **Contracted workers:** The employment terms and conditions for contracted workers are governed by the Employment Act and related public service rules. Therefore, the MoH must abide by the rules regarding management and labor agreements.

Minimum Wages: The Salaries and Remuneration Commission's (SRC) rules will govern the official minimum wage. All efforts will be made to ensure that contractors do not underpay and overwork their workers, particularly temporary (casual) workers.

Hours of Work: The normal hours of work of a project worker shall not exceed 8 hours a day. Overtime hours worked are eligible for the appropriate compensation.

Rest per week: Every employee is entitled to time off on Saturday and Sunday. On public holidays that are recognized as such by the Republic of Kenya, employees are also entitled to time off.

Annual leave: For each year of continuous service, employees (aside from consultants and temporary workers) are entitled to 30 days of paid leave. A complete year of continuous service is typically required to obtain the right to paid leave.

Maternity and Paternity leaves: Female employees are entitled to 90 days of maternity leave upon presentation of a medical certificate stating the anticipated date of their delivery, while male employees are entitled to 14 days of paid paternity leave, provided they have worked for the employer for at least six months with no breaks other than properly documented illness.

Deductions from remuneration: Except for the repayment of advances obtained from the employer and supported by written documentation, no deductions from a worker's compensation other than those allowed by labor laws or any other law or collective labor agreement, shall be made. Employers are not permitted to request or receive from employees any monetary payments or gifts of any sort in exchange for hiring them or for any other purpose related to the terms and circumstances of employment.

Death benefits: If a worker dies while on the job, the employer shall pay his or her remuneration as death benefits in accordance with the provisions of the applicable laws.

Medical treatment of injured and sick workers: Contractors must ensure that contract workers under their employment are enrolled in WIBA. All other employees will continue to be covered by medical insurance plans set up by their employers, such as the civil service insurance plan for employees in the public sector.

9 GRIEVANCE REDRESS MECHANISM

General Principles

Workplace grievances commonly involve interest in employment opportunities, labor wage rates, payment delays, disagreements about working conditions, and health and safety problems in the workplace. Even though SEA/GBV is an occurrence at workplaces, it isn't always reported for fear of victimization. As required by ESS2, a unique grievance procedure will be designed for project employees (direct employees, contractual and casual employees). Grievances should be handled objectively, quickly, and with consideration for the needs and concerns of the offended employees. The system will also cater for anonymous complaints. When submitting complaints or concerns, individuals may ask that their identity remain anonymous; this request should be honored. Workers will be adequately sensitized on the GRM to enhance awareness and enable effective use.

Direct workers

For direct workers, the project will feature a small but effective grievance mechanism. Periodic team meetings will be held by each unit involving direct workers (PMT, field personnel, enumerators, and consultants) to address any workplace issues. The steps performed by each unit will be noted together with the complaints voiced by the employees. There will be regular reports on grievance instances received. Direct employees who are unhappy with their immediate supervisor or hiring unit may bring up their concerns either with the PMT if they want to escalate the matter, anonymously, or through a person other than them. The direct workers will use the workers grievance redress mechanism described below.

Project Workers GRM (WGRM)

This grievance mechanism will be maintained by all project implementing institutions to manage workers grievances in the project. The project will feature multiple avenues for complaints and grievances, including email, phone calls, messages, blogs, a toll-free number, and letter writing, all of which will be accessible to all personnel. To ensure that all employees have adequate information on how to file a complaint and who to direct it to, information on the project GRM will be made available to workers at all facilities, government offices (both national and county), and community level (chief's office, for example). When handling employee complaints, confidentiality will be guaranteed. Even though there are "suggestion boxes" at many workplaces that appear to be a favored method for reporting issues, it has been observed that these boxes are rarely opened. If these must be utilized in the GRM, a structure will be put in place for opening, reviewing, responding, and providing feedback on the issues raised.

The WGRM will have the following design and procedural features:

- Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of "suggestion/complaint boxes", and all pertinent information, such as: designated call centers, hotline numbers, email addresses, office work hours, comment/complaint forms, stipulated timeframes to respond to grievances; info on a register to record and track the timely resolution of grievances; the responsible department to receive, record and track resolution of grievances, and other means as needed.

- Grievance handling will be transparent and aggrieved workers will be informed within 10 days of their grievance application, either with a respective solution or with a request of extension if more time is needed to investigate and decide upon the case.
- Grievance logbook will be maintained in the project office.
- The WGRM, however, does not replace or override the requirement that the PMT provides for workplace processes for project workers to report work situations that they believe are not safe or healthy, such as reporting requirements regarding workplace injuries and accidents.
- The WGRM will not prevent workers to use judicial procedure or administrative remedies that might be available under the law or existing arbitration procedures or substitute for collective agreements grievance mechanisms, if preferred.
- The quarterly environment and social implementation monitoring will include reports on grievances related to project labor and working conditions issues.
- If not satisfied with the outcome of the resolution, the aggrieved party will be able to access a National level at the MoH.

The following actions will be used for managing complaints for this project:

- a. Complaints should be directed to the GRM focal point (to be identified by the implementing agencies) at the workplace via email, text, phone, letter, or in person. The complaints must be compiled onto a complaints form, entered into the register, and submitted using the format outlined in Annexes 4 and 5. The workers will receive the email address and phone number when they sign the contract or are hired.
- b. The PMT, Supervision Consultant Management and Contractor Management should review complaints on a week basis after they are received. The team will examine the complaints, offer advice on the best course of action, and make sure that past complaints are followed up on. After the committee meeting, any preliminary investigations must be completed within 5 business days. The complainant should receive a response within 10 working days of submission.
- c. The PMT shall be informed if the issue is escalated to the primary project GRM and the national legal complaint bodies (EACC, CAJ, etc.).
- d. Complaints about SEA should be kept anonymous; only the complainant's age and gender, as well as if a project worker was involved, should be noted, and should be sent directly to the PM, who should immediately notify the World Bank.
- e. Anyone who makes a complaint in good faith will not face disciplinary or legal action.
- f. A monthly report of complaints resolution should be provided to the PMT and the World Bank (as per the reporting format in Annex 5).

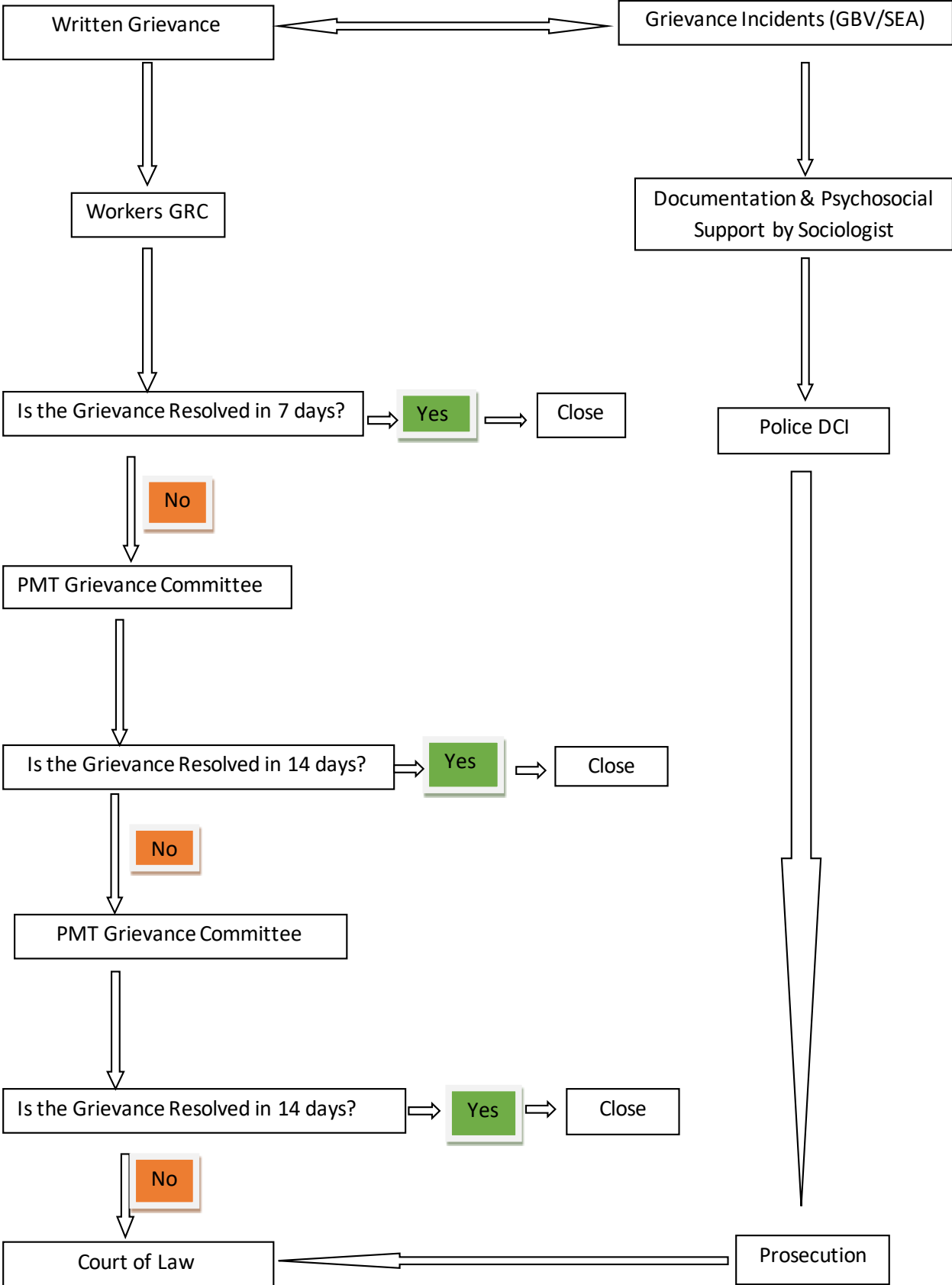


Figure 1 grievance redress system

Levels of GRM resolution

- **Subproject /Facility level:** the facility management will be the first level to resolve grievances. The project manager who leads the project implementation will be the focal point for grievance redressal and will act as the chairman of Grievance Redress Committee (GRC) at the sub-project level. Its members will include the respective social and environment responsible officers (secretary to the committee), one nominated officer from the County government, and a representative of the community.
- **PMT level:** PMT's GRC will sit every week and provide feedback in 14 days. This committee shall consist of the Project Manager/Coordinator – Chairperson, Beneficiary facility E&S focal person, Contractor Project Manager (co-opted on ad hoc basis), Contractor Engineer (co-opted on ad hoc basis), Workers Representative (co-opted on ad hoc basis), PMT Social Safeguards and EHS Specialist – Secretary, Community representative (co-opted on ad hoc basis), and Contractor EHS officer (co-opted on ad hoc basis). If the complainant is satisfied with the outcome of the mediation, the entity will fill in the grievance resolution form and the complaint will be closed. If the entity does not agree with the outcome of this committee meeting, the matter shall be referred to court for adjudication.

Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) GRM

Mitigation measures against GBV and SEA shall be addressed through the existing legal procedures and process in place including police, courts and prosecution, labor officers and probation officers. The procedure shall include:

Step One – Documentation of the incident and provision of psycho-social support to the victim by the Sociologist/GBV incident or service providers.

Step Two – Handling of the incident by Police and other criminal justice system authorities for redress

Capacity Building for Worker GRM's Responsible Staff

The Project will develop a capacity development plan for WGRM responsible persons such as the social specialist and the Human Resources Officers and ensure that the GRM focal point person receive adequate training on their roles and responsibilities as well as the overall procedures of the GRM. The WGRM will be described in staff induction and on-the-job trainings, which will be provided to all project workers. Further, the project will ensure that adequate resources are available for running and managing the WGRM, including building capacities of GRM officers. Training topics would include workers' rights and pertinent national legislations and international conventions/standards; receiving, filing, and closing work-related complaints; dealing with complaints raised by vulnerable workers (including female and young workers of working age, as well as workers with disabilities); and IT and communication skills.

On GBV/SEA/SH, there will be a need to ensure that GRM procedures and mechanisms for reporting allegations of GBV/SEA/SH are known to all GRM Focal Persons. And most importantly to fulfil the role of addressing GBV/SEA/SH, focal persons will be trained (and/or have previous knowledge and experience) on GBV/SEA/SH related Guiding Principles including those of confidentiality and safety of complainants/survivors, on the survivor-centered approach. This set of skills will help GRM Focal Persons to support the quality of the complaint mechanism, while at the same time ensuring the adherence to

GBV/SEA/SH related Guiding Principles and a survivor-centered approach, including right to safety, respect, and confidentiality, of the complaint intake and management.

Promotion of the worker GRM

The worker GRM messaging will be incorporated into the wider project Communication Strategy. Information on the various channels to submit grievances, complaints, and concerns will be publicized through meetings, monthly information brochures and posters explaining the GRM process in languages understood by project workers, and through one-on-one meetings during recruitment. Those posters will be displayed in accessible places, and suggestion boxes will also be available in each locality, state level responsible health ministries and all implementing agencies. Meetings will be held at least quarterly; announcements will also be placed on Notice Boards. Other sensitization methods such as print media as well as electronic media such as adverts on local radio will be used.

World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, because of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit, <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit, www.inspectionpanel.org.

10 BENEFICIARY INSTITUTION AND CONTRACTOR OHS RISK MANAGEMENT

KBI offices are located within the warehouse where modular equipment for vaccine manufacturing shall be installed. Again, NQCL laboratory will continue operating during rehabilitation works. This means that project workers employed or engaged by more than one party shall be working together in one location. As such, there is need for both parties to collaborate in applying the OSH requirements, without prejudice to the responsibility of each party for the health and safety of its own workers. Arrangements aimed at achieving such collaboration should be documented.

10.1 Construction Related OHS Risk Management

10.1.1 Contractor Responsibility

- Designate, appoint and/or assign tasks to personnel who shall be responsible for managing all or parts of the C-ESMP. The Contractor must appoint or designate a Safety, Health, Environment and Quality Officer (SHEQO) to monitor daily implementation of the C-ESMP on the Contractor's behalf as a minimum.
- SHEQO shall monitor environmental performance and conformance with the specifications contained in this C-ESMP during site inspections;

- SHEQO shall also report progress towards implementation of and non-conformances with this C-ESMP at site meetings; and
- SHEQO shall advise the PMT of any incidents or emergencies on site, together with a record of action taken.

10.1.2 Subcontractor Responsibility

- Responsible for onsite implementation of the environmental and social requirements outlined in this plan, the ESMP and other associated plans as well as applicable rules and regulations.
- Nominate and engage Safety, Health, Environment and Quality Officer (SHEQO) to monitor daily implementation of subproject activities, the ESMP on behalf of the subcontractor.
- Ensure all workers involved in the subproject implementation are trained and covered with insurance for any work-related injuries or incidents.
- Manage the waste and rubble and ensure that these are managed in adherence to local regulations.

10.1.3 Facility management (construction and operation)

- Follow-up closely on the activities onsite and to ensure adequate protection for the environment, assets, communities and workers from any adverse impact that might be resulted from subproject implementation.
- The necessary PPE are provided to- and used by workers as well as regularly conducting the appropriate training and supervision.
- Provide necessary awareness and training to workers on the occupational health and safety (OHS), waste management and other environmental and social safeguards requirements.

10.1.4 PMT Responsibility

PMT's environmental and social safeguards specialists shall conduct audits to ensure that the system for implementation of the C-ESMP is operating effectively. The audit shall check that a procedure is in place to ensure that:

- The C-ESMP and the Method Statements being used are the up-to-date versions;
- Variations to the C-ESMP, Method Statements and non-compliances and corrective actions are documented; and
- Emergency procedures are in place and effectively communicated to personnel.
- Develop and promote implementation including internal Reporting and Response protocol for incidences on SEA/GBV as provided in the SGBV plan.

The audit programme shall consist of the following at a minimum:

- First audit no later than 1 month after construction commences;
- Thereafter audits at monthly intervals, at a minimum;
- An audit one week prior to practical completion of the Project is granted; and
- A post construction audit within 1 week after the Contractor has moved off site.

The contractor and the PMT will also be required to meet at least weekly to discuss and check progress of implementing the C-ESMP.

10.1.5 Compliance with the C-ESMP

The Contractor and/or his agents are deemed not to have complied with the C-ESMP and remedial action if:

- There is evidence of contravention of the C-ESMP clauses within the boundaries of the site or extensions;
- Environmental damage ensues due to negligence; and
- The Contractor fails to comply with corrective or other instructions issued by the PMT, within a time specified by the PMT.

10.2 Contracted Truck Driver OHS Management

10.2.1 Overview

Road transport workers generally face higher occupational risks than other workers, including risks of accidents, physical injury, violence and exposure to harmful substances. In addition, long-haul road transport drivers might find it challenging to combine work and family life because of the irregular and split shifts that their work involves, which can have a negative impact on their work–life balance.

Informal transport service provision is mostly present in low- and middle-income countries, for both freight and passenger transport services. Low levels of income, productivity, skills, technology and capital are generally associated with informal working opportunities, which might also give rise to OSH and public safety concerns. These include low maintenance and inspection levels of vehicles, inadequate training opportunities and knowledge levels, and acute competition for passengers or loads. Informal workers might be poorly organized, a situation that often translates into performing riskier tasks or the absence of decent working conditions.¹⁰

10.2.2 OHS Risk Assessment, Management and Monitoring

The PMT will task contractors providing truck drivers for project activities to conduct workplace transport safety risk assessment which shall systematically examine all aspects of work that may be affected by workplace transport and look at the specific hazards associated with the use of vehicles in the workplace. The process forms part of the overall legal duties (OSH Act) for employers and persons in control of places of work to conduct a risk assessment on all activities that introduce risk. Contractors shall also adopt the project LMP that will allow them to operate in accordance with the requirements of ESS2. When conducting the risk assessment follow the three-step process:

1. Identify Hazards: Look at what could cause injury or harm;
2. Assess the risks of injury or harm: consider who could be harmed, how and to what extent; and
3. Control the risks: put in place control measures to eliminate or reduce the risk to as low a level as reasonably practicable.

Based on the risk assessment findings, the contractors shall develop a driving for work policy which adopts best transport safety practices with the goal of preventing traffic accidents and minimizing injuries suffered by project personnel.

¹⁰

See

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_400598.pdf

To manage and monitor OHS performance by third parties/contractors, the PMT shall:

- Incorporate the OHS requirements into contractual agreements with such third parties/contractors, together with appropriate non-compliance remedies; and
- Manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by such third parties with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of trucks and their drivers and/or of labor management records and reports compiled by contractors. Contractors labor management records and reports audited may include: (a) a representative sample of employment contracts or arrangements between contractors and truck drivers; (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 truck drivers to explain labor and working conditions and OHS for the project.

10.3 Selecting Contractors

The MoH and project implementing agencies will be responsible for the management of the contractors under the project. In a situation where contractors are hired, MoH will undertake due diligence assessment of the contractors' Labor practice and adherence to ESS2, WB EHSs, the project LMP and ESMF, the international conventions Kenya has ratified and the national law. The contract will include clauses that refer to the Environmental and Social Commitment Plan (ESCP), Stakeholders Engagement Plan (SEP), the LMP and ESMF with the specified OHS requirements. PMT will also evaluate and score contractors' bids based on the inclusion of both Company's Code of Conduct and Workers (sample presented in annex 1b of the LMP) in their bids and ensure compliance with the same during implementation of subproject activities.

Moreover, the PMT will make reasonable efforts to ascertain third parties who engage contracted workers are legitimate and reliable entities and have in place Labor management Procedures applicable to the project that will enable them to operate in accordance with the requirements of ESS2. Specifically, the Project will ensure the project national contractors (including third party suppliers) provide the following information as part of the contracting process:

- Business licenses, necessary registrations, permits, and approvals;
- Proof of having a Labor management system in place, including OHS-related management systems and associated procedures, templates and forms;
- Qualifications and certifications of Labor management, safety and health personnel;
- Certifications, necessary permits and training qualifications of workers, who will perform the required work;
- Records of safety and health violations and responses (corrective and preventive measures);
- Payroll records and proofs of enrolment of workers in health and benefit-related programs;
- Identification of safety committee members and records of meetings, as seen appropriate by the project management, to the nature of goods and services to be rendered;

- Copies of similar engagement with other employers, showing adequate experience and compliance with sensitive work issues, such as, child Labor, forced Labor, GBV/SEA/SH, OHS, and others, as required by the provisions of ESS2; and
- Provision of sufficient budget in the Environmental and Social Management Plans (ESMPs) to cover for the costs of implementation and supervision of the LMP at both the Contractor and Supervision Consultant levels.

The PMT will ensure that the requirements of the Environmental and Social Standard (ESS2) on Labor and working conditions and non-compliance remedies are incorporated into the Contractors' contractual agreements. Contractors under the project will be required to develop and sign a contractors' ESMP that will also include issues of GBV/SEA/SH, child and forced Labor, child protection, OHS and accessibility of GRM at contractor's worksite, as well as a specific worker code of conduct (CoC).

Contractor Performance Monitoring

The PMT, KBI, NQCL, NPHI, POEs, and other HCFs in the project 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) and Labor management procedures. The MoH, through its PMT and beneficiary public health institutions will undertake due diligence assessment of the engaging contractors on their Labor practices. This will include periodic audits and spot-checks on project locations as appropriate. Specifically, the PMT staff and beneficiary public health institutions will look how the following obligations are fulfilled by the Contractors:

- *Labor conditions*: records of workers engaged under the Project, including sample contracts, registry of induction of workers, and working hours' logs;
- *Workers*: number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child Labor is involved, and skill level (unskilled, semiskilled, skilled, supervisory, professional, managerial);
- *Training/induction*: dates, number of trainees and topics, records on training provided for contracted workers that were tailored to educate workers on occupational health and safety risks and applying corrective and preventive measures;
- *Incidents and safety*: records of incidents, such as, lost time incidents, medical treatment cases, first aid cases, remedial and preventive activities taken, as well as reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law;
- *Details of any security risks*: details of the risks the Contractors may be exposed to, while performing their work—the threats may come from third parties, external to the project; and
- *Worker grievances*: details including occurrence date, grievance description, and date submitted; actions taken and dates; resolutions/referrals (if any) and progress dates; and follow-up yet to be taken. Grievances listed should include those received since the preceding report and those that were unresolved at the time of preparing the new report.
- *Tracking of OHS performance*: assessment and performance on implementation of C-ESMP which includes the OHS Plan

In ensuring that there is compliance with the requirements of ESS2, WBG EHSs, and GOK legal frameworks, by service providers, the project will regularly monitor and evaluate activities of contractors in line with the project's M&E framework. The project will also ensure that there is a comprehensive and continuous awareness raising among workers, about their entitlements. The MoH subsequently will provide regular reports (on monthly, quarterly, and annual basis) regarding the performance of the contractors.

11 PRIMARY SUPPLY WORKERS

To mitigate/manage the risk of forced and child labour, human rights abuse, health and safety concerns among primary supply workers, the PMT through procurement documents will require: (i) forced and/or forced labour declarations; (ii) qualification requirements, and (iii) mandatory prior review/No-objection by the Bank. Effective screening and due diligence at selection of primary suppliers will be undertaken to identify and detect potential risks related to labour and human rights abuse including child labor, forced labor and major safety concerns. The PMT will not approve the purchase of supplies from primary suppliers associated with such abuses or non-compliance with labour laws. All purchase orders and contracts by the project will have specific provisions for child protection, non-involvement in forced labor and work safety. Metrics for evaluation of compliance with the requirements of the ESS2 will be developed by the environmental and social specialists and used during selection of suppliers and contracting under the project. Monitoring of compliance will be done through regular review/assessment of project documentation as well as project site visits. In the event of non-compliance, the MoH, the employer, will invoke contractual provisions in the supplier contract to manage and provide corrective measures as required.

12 MIGRANT WORKERS

These are workers who have migrated from one country to another or from one part of the country to another for purposes of employment. These workers may form part of the contracted workers pool on the Project and will be categorized among the vulnerable. The PMT shall implement measures to ensure working conditions and terms of employment of migrant workers (domestic or foreign) are same or substantially equivalent to those of nonmigrant project workers performing the same type of work. This applies to migrant project workers employed or engaged directly by the PMT or through a third party. Such terms include, e.g., remuneration, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship, and any other relevant conditions of work.

13 CAPACITY BUILDING

The requirements detailed in this LMP are, for the most part, identical with the standards of the national Labour laws, with only a few additional measures (such as the Worker Grievance Redress Mechanism) to meet the criteria of ESS2. The project will develop and deliver trainings and simple awareness raising materials to address gaps and challenges on meeting some of the obligations/ requirements. The proposed budget for the project includes funding for capacity building and awareness efforts. A brief training course detailing the responsibilities of the contractor as outlined in the ESHS Specifications will be developed and delivered by the PMT to contractors and/or contractors site managers.

The PMT will also prepare a simple booklet, with easily understood illustrations, explaining the requirements of the LMP as applicable to contracted and casual workers in the project. The booklet will include, among others, details of the Worker Grievance Redress Mechanism. This booklet and/or information will be disseminated to all project workers.

OHS training will be done by contractors for construction phase and by PMT for truck drivers (operations phase). There will also be OHS training to all workers in the operation/maintenance phase of Project-related facilities/buildings (labs, etc.) and pharmaceutical plant. The trainings will largely be informed by gaps identified during the implementation support and monitoring missions, in regular reports and through training needs assessments.

ANNEXES

Annex 1: Guideline on Code of Conduct

1. A satisfactory code of conduct will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to concerns of the ministries, the location, and the project sector or to specific project requirements.

2. The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

- received a copy of the code;
- had the code explained to them;
- acknowledged that adherence to this Code of Conduct is a condition of employment; and
- Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

Annex 1a Sample Individual Code of Conduct

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) is important.

The Company Code (annex 1b) on OHS responsibilities for Employers considers that failure to follow ESHS and OHS standards, or to partake in activities constituting GBV—be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, or potential termination of employment. Prosecution by the Police of those who commit GBV may be pursued if appropriate.

I agree that while working on the project I will:

1. Consent to Police background check.
2. Attend and actively partake in training courses related to ESHS, OHS, and GBV as requested by my employer.
3. Will always wear my personal protective equipment (PPE) when at the work site or engaged in project related activities.
4. Take all practical steps to implement the contractor's environmental and social management plan (C-ESMP).
5. Implement respective parts of the OHS plan relevant to my work.
6. Adhere to a zero-alcohol and drugs policy during work activities, and refrain from the use of narcotics or other substances which can always impair faculties.
7. 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.
8. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
9. Not sexually exploit or abuse project beneficiaries and members of the surrounding communities.
10. Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is prohibited. E.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.
11. Not engage in sexual favors—for instance, making promises of favorable treatment (e.g., promotion), threats of unfavorable treatment (e.g., loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
12. Not use prostitution in any form at any time.
13. Not participate in sexual contact or activity with children under the age of 18—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.
14. Unless there is the full consent¹¹ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or

¹¹ **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 using 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 if national legislation of

promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.

15. Consider reporting through the GRM or to my manager any suspected or actual GBV by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

Regarding children under the age of 18:

16. Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
17. Wherever possible, ensure that another adult is present when working in the proximity of children.
18. Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
19. Not use any computers, mobile phones, video, and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
20. Refrain from physical punishment or discipline of children.
21. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
22. Comply with all relevant local legislation, including labor laws in relation to child labor and World Bank’s safeguard policies on child labor and minimum age.
23. Take appropriate caution when photographing or filming children (See Annex 2 for details).

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

24. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
25. 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 will be used.
26. 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.
27. Ensure images are honest representations of the context and the facts.
28. 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 will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.

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.

3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as GBV. Any such actions will 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 issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 1b Sample Company Code of Conduct

Company Code of Conduct

Implementing ESHS and OHS Standards Preventing Gender Based Violence

The company 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 will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met as established in respective contracts and Project LMP. The company is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where Sexual Exploitation and Abuse (SEA) and sexual harassment have no place. Improper actions towards children, SEA and sexual harassment are acts of Gender Based Violence (GBV) and as such will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

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

General

1. The company—and therefore all employees, associates, representatives, sub-contractors, and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to full implementing its 'Contractors Environmental and Social Management Plan' (C-ESMP) as approved by the client.
3. 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 are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including sub-contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness, or waste).

Health and Safety

8. The company will ensure that the project's OHS Management Plan is effectively implemented by company's staff, as well as sub-contractors and suppliers.

9. The company provides also that all person's on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents, and reporting conditions or practices that pose a safety hazard or threaten the environment without fear of reprisal.
10. The company will:
 - i. prohibit the use of alcohol during work activities.
 - ii. prohibit the use of narcotics or other substances which can always impair faculties.
11. The company will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.
12. The company will not hire children under the age of 18 for construction work, or allow them on the work site, due to the hazardous nature of construction sites.
13. Provide adequate means and organization and establish a suitable program on the safety and health of workers, consistent with national laws and regulations and in compliance with the prescribed safety and health measures in the workplace.
14. Assign a competent person or body at the site with the authority and means necessary to ensure coordination and compliance with the measures. A competent person means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience, and skill to ensure the safe performance of the specific work. The competent authority(ies) may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.
15. Provide and maintain workplaces, plant, equipment, tools, and machinery, and so organize construction work that, as far as is reasonably practicable, there is no risk of accident or injury to health of workers. In particular, construction work should be planned, prepared, and undertaken such that: (a) dangers likely to arise at the workplace are prevented as soon as possible; (b) excessively or unnecessarily strenuous work positions and movements are avoided; (c) organization of work takes into account the safety and health of workers; (d) materials and products used are suitable from a safety and health point of view; and (e) working methods are employed that protect workers against the harmful effects of chemical, physical, and biological agents.
16. Establish committees with representatives of workers and management or make other suitable arrangements consistent with national laws and regulations, to enlist the participation of workers in ensuring safe working conditions.
17. Take all appropriate precautions to protect persons present at, or in the vicinity of, a construction site from all risks that may arise from such a site.
18. Arrange for regular safety inspections by competent persons, at suitable intervals, of all buildings, plant, equipment, tools, machinery, workplaces, and systems of work under the control of the employer at construction sites, in accordance with national laws, regulations, standards, or codes of practice. As appropriate, the competent person should examine and test, by type or individually, to ascertain the safety of construction machinery and equipment.
19. When acquiring plant equipment or machinery, employers should ensure that it takes account of ergonomic principles in its design and conforms to relevant national laws, regulations, standards, or codes of practice, and if there are none, that it is designed or protected such that it can be operated safely and without risk to health.
20. Provide such supervision as will ensure that workers perform their work with due regard to their safety and health.
21. Assign workers only to employment for which they are suited by their age, physique, state of health, and skill.
22. Satisfy themselves that all workers are suitably instructed in the hazards connected with their work and environment and are trained in the precautions necessary to avoid accidents and injury to health.

23. Take all practicable steps to ensure that workers are made aware of the relevant national or local laws, regulations, standards, codes of practice, instructions, and advice relating to prevention of accidents and injuries to health.
24. Buildings, plant, equipment, tools, machinery, or workplaces in which a dangerous defect has been found should not be used until the defect has been remedied.
25. Where there is an imminent danger to the safety of workers, the employer should take immediate steps to stop the operation and evacuate workers as appropriate.
26. On dispersed sites and where small groups of workers operate in isolation, employers should establish a checking system by which it can be ascertained that all the members of a shift, including operators of mobile equipment, have returned to the camp or base at the close of work.
27. Provide appropriate first aid, training, and welfare facilities to workers, and when collective measures are not feasible or are insufficient, provide and maintain personal protective equipment and clothing. Employers should also ensure access for workers to occupational health services.
28. Design and planning of a construction project shall consider the safety and health of the construction workers in accordance with national laws, regulations, and practice.
29. Provisions for worker welfare include an adequate supply of drinking water, sanitary and washing facilities (separate for men and women), facilities for changing and for the storage and drying of clothing, and accommodations for eating meals and for taking shelter during interruption of work due to adverse weather conditions.
30. A worker shall have the right to remove himself from danger when he has good reason to believe that there is an imminent and danger to his safety or health, and the duty to inform his supervisor of such immediately.

Gender Based Violence

31. Acts of GBV constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment and, if appropriate, referral to the Police for further action.
32. All forms of GBV, are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.
33. Sexual harassment of work personnel and staff (e.g., making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature) are acts of GBV and are prohibited.
34. Sexual favors (e.g., making promises of favorable treatment such as promotions, threats of unfavorable treatment such as losing a job, payments in kind or in cash dependent on sexual acts) and any form of humiliating, degrading or exploitative behavior are prohibited.
35. The use of prostitution in any form at any time is strictly prohibited.
36. 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 defense. Consent from the child is also not a defense or excuse.
37. Unless there is full consent¹² 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 workplace

¹² **Consent:** refers to when an adult makes an informed choice to agree freely and voluntarily to do something. There is **no** consent when agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation; the use of

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 (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.

38. In addition to company sanctions, legal prosecution of those who commit acts of GBV will be pursued if appropriate.
39. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV by a fellow worker, whether in the same company or not. Reports must be made in accordance with project’s GBV Allegation Procedures.
40. Managers are required to report and act to address suspected or actual acts of GBV as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

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

41. Ensuring that all managers sign the project’s ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the company’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
42. Ensuring that 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, child endangerment or abuse, or sexual harassment.
43. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers’ camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
44. Ensuring 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.
45. Ensuring that an appropriate person is nominated as the company’s ‘Focal Point’ for addressing GBV issues, including representing the company on the GBV Compliance Team (GCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local SEA Service Provider.
46. Ensuring that an effective GBV Action Plan is developed in consultation with the GCT which includes as a minimum:
 - i. **GBV Allegation Procedure** to report GBV issues through the project Grievance Redress Mechanism (Section 4.3 Action Plan);
 - ii. **Accountability Measures** to protect confidentiality of all involved (Section 4.4 Action Plan); and,
 - iii. **Response Protocol** applicable to GBV survivors and perpetrators (Section 4.7 Action Plan).
47. Ensuring that the company effectively implements the agreed final GBV Action Plan, providing feedback to the GCT for improvements and updates as appropriate.

a threat to withhold a benefit to which the person is already entitled, or; a promise made to the person to provide a benefit. 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 if 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.

48. Ensuring that 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 Codes of Conduct.
49. Ensuring that 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 Code of Conduct.

Sanctions for Breach of Code of Conduct

50. Violating this Code of Conduct can have serious consequences for employees, for example, disciplinary action under Kenya's employment law, including termination of employment, or claims for compensation by the Project or third parties. If violating this Code of Conduct also constitutes a criminal offence, such violation may also result in criminal proceedings, which could lead to the employee being fined or imprisoned.
51. Violating this Code of Conduct is never in the Project's interest (zero-tolerance principle). In such cases, employees may not use the defense that they believed they were acting in the Project's interest.

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. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 2: Terms and Conditions for Employment

Terms and Conditions. Below is the list of relevant provisions of the Employment Act, 2007 mainstreamed to MoH Human Resources Manual regarding terms and conditions of work.

- 1) Content of individual contract in-line with Employment Act 2007 (Section 10)
 - Subject to the provision of this Act or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract.
- 2) Notice for termination of contract in-line with Employment Act, 2007 (Part VI; Sections 35 - 51)
 - Either of the contracting parties may terminate a contract of employment by giving written notice in-line with the provisions of employment Act, 2007:
 - (a) Not less than ten days in the case of manual workers;
 - (b) Not less than 30 days in the case of non-manual workers:

Provided that no notice need be given in case the duration of contract does not exceed one month.
- 3) Protection of wages in-line with Employment Act, 2007 (Part IV; Sections 17 - 25)
 - Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of Employment Act, 2007 and NEMA Human Resources Manual), the minimum wages for any category of workers may be determined by the salaries remuneration commission.
- 4) Hours of work – Employment Act, 2007 (Article 85, 86)
 - The normal hours of work of a worker shall not exceed eight a day or 48 a week.
 - Hours worked more than the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate overtime payment in-line with the provisions of NEMA Human Resources Manual on allowances.
- 5) Weekly rest
 - Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
 - Workers shall also be entitled to a rest day on public holidays recognized as such by the State.
- 6) Annual leave (Employment Act, 2007)
 - Workers shall be entitled to 30 days' leave with pay for every year of continuous service.
 - An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- 7) Fringe benefits (Employment Act 2007)
 - Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.
- 8) Deductions from remuneration (Employment Act 2007)
 - No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.
- 9) Death benefit (Employment Act 2007)
 - In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.
- 10) Maternity and Paternity Leaves (Employment Act, 2007)

- A woman worker shall be entitled for maternity leave with pay for 90 days and male workers 14 days in-line with the provision's employment Act, 2007 and NEMA Human Resources manual.

Casual Workers

A casual employee, according to s. 2 of the Employment Act 2007, refer to "a person the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time". This means that a casual labourer is characterized by daily payment and a working period not longer than a day.

Casual employment may be converted to a term contract under s. 37 of the Employment Act if the work has been continuous for a month, or the work performed by the casual worker cannot reasonably be expected to be completed within a period of three months.

This simply means that where a person engages in casual labour continuously for a month, the law considers the labourer an employee with a term contract, whose wages are deemed to be paid monthly, as per application of s. 35(1)(c).

As far as dismissal and termination is concerned, a casual labourer may be dismissed or have their contract terminated at the close of any day without notice, as stipulated at s. 35(1)(a) of the Employment Act.

However, once a casual labourer has been converted to a term employee by virtue of s. 37, the law at s. 35(1)(c) requires that a written notice of 28 days be given to the employee. S. 37 goes further on to provide for the protection of the rights of a casual labourer whose contract of service has been converted to term employment by stating that if the person works for two or more months continuously, from the date of employment as a casual employee, that person shall be entitled to terms and conditions of service that he or she would have been entitled to under the Act had he not initially been employed as a casual employee.

Basically, if a casual labourer is converted to a term employee and continues working for two months, he will be entitled to be treated as if he had been employed under a term contract right from the first day of his service. This would mean that even upon termination, the employee is entitled to a notice of termination at least 28 days prior, along with a reasonable explanation for the reasons for termination.

Casual Workers on the Project – Gap Filling Measure

As a gap filling measure, all casual workers on the Project shall enjoy working conditions and terms of employment same or substantially equivalent to those of term employees performing the same type of work in line with ESS2. To ensure compliance, the PMT 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 third parties. Third parties' 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.

Annex 3a: Complaints form

1. Complainant's Details

Name (Dr / Mr / Mrs / Ms)

- You can use my name, but do not use it in public.
- You can use my name when talking about this concern in public.
- You cannot use my name at all.

2. Complainant's Details

- You can use my company name, but do not use it in public.
- You can use my company name when talking about this concern in public.
- You cannot use my company name at all

Contact Information

Phone:

Email address:

Address:

Location:

(Kindly indicate the preferred language and method of communication)

3. Would you like the information to remain anonymous: Yes No

4. Which institution or officer/person are you complaining about?
Ministry/department/agency/company/group/person

5. Grievance Type

6. Have you reported this matter to any other public institution/ public official?

Yes No

7. If yes, which one?

8. Has this matter been the subject of court proceedings?

YES NO

9. Please give a summary of your complaint and attach all supporting documents [Note to indicate all the particulars of what happened, where it happened, when it happened and by whom]

7. What action would you want to be taken?

Signature _____

Date _____

Annex 3b. Public Service Grievance Form

PUBLIC SERVICE COMMISSION GRIEVANCE PROCEDURE GRIEVANCE FORM
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Officer's Full Name	P/No.	Designation & Grade
Department		Section
Office Tel. No	Official E-mail Address:	Mobile Telephone No
Stage I		
Grievance Statement/Issues (Use attachments if necessary): Submitted to: Name:.....Head/Officer in ChargeDept/Section Date		
Date Received:		

Response/Action taken:

Respondent's Name

Designation.....

Signature:Date.....

Employee's response

- I conclude my grievance and am returning the form to the Human Resource Office
- I request that my grievance be taken to the next stage.

SignatureDate.....

Stage II

Submitted to:.....

Name:Senior Deputy Secretary (Administration)

Date:

Date Received:

Response/Action taken:.....

Respondent's Name Designation

Signature: Date

Employee's Response

- I have documented my grievance and am returning the form to the Human Resource Office
- I request that my grievance be taken to the next stage

Stage III

Submitted to the Secretary PSCK

Annex 5: Complaints reporting template

No. of complaints received	Type of complaint	Location /site/ contractor	Main mode complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g., spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system improvement

Note that this form could be replaced by the remote Geo-enabling Initiative for Monitoring and Surveillance (GEMS) monitoring tool.

Annex 7: OHS plans for Construction and Operation phases

a) OHS plan for construction phase

Below is a standard template for the OHS management plan for the construction phase

- Individual responsibility.
- Health and safety committee or representative, establishment and role
- Relevant health and safety legislation and policies
- Safe work procedures.
- Worker orientation.
- Capacity building.
- Workplace inspections.
- Hazard identification, assessment, and control
- Reporting and investigating incidents.
- Emergency planning.
- Medical and first aid.
- Health and safety promotion, including psychological health and prevention of harassment and violence.
- Workplace specific items.
- Review of the health and safety program.

b) OHS plan for O&M Phase

1. Definitions
2. Hazard identification
 - Identification process
 - Chemicals used and generated in the process
 - Chemicals preparation and use
 - Potential hazards
3. Hazard control
 - Selection and Purchasing
 - . Engineering Controls:
 - . Administrative and Work Practice Controls:
 - Personal Protective Equipment (PPE):
 - Storage and Transportation:
4. Emergencies, Spill Procedures, and Exposures/Unintended Contact
 - Key equipment
 - Emergency procedure
 - Exposure response

(Note: For lab injuries/illnesses and potential exposures, please complete a Report Safety Incident form in Workday).
5. Waste
 - Identification
 - Collection and management
 - Capacity building on waste management
6. Training:

All laboratory personnel are required to complete the online EHS Laboratory Safety Training modules initially and annually thereafter and must review the Chemical Hygiene Plan (CHP) and lab-specific training on an annual basis.

7. References