



**MINISTRY OF AGRICULTURE AND
LIVESTOCK DEVELOPMENT**

**STATE DEPARTMENT FOR CROP
DEVELOPMENT**

Labour Management Procedures

Food Systems Resilience Project(PI77816)

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Table of Contents

<i>Table of Contents</i>	4
<i>List of Tables</i>	5
<i>Acronyms and Abbreviations</i>	6
1 BACKGROUND	8
2 OVERVIEW OF PROJECT	9
2.1 Project Description	9
2.2 Project Geography	9
2.3 Implementation Arrangements	10
2.3.1 Institutional and Implementation Arrangements.....	10
2.3.2 Project Oversight, Policy Guidance, Governance and Coordination.....	10
2.4 Overview of labor use on the FSRP Project	11
2.4.1 Establishment of safe systems for Workers.....	14
2.4.2 Other stakeholders working in connection with the FSRP project:	16
3 ASSESSMENT OF ANTICIPATED POTENTIAL LABOUR RISKS	17
3.1 Reporting	16
3.2 Incidents and Accidents	16
4.0 KEY LABOUR POLICIES, PROCEDURES AND RATIONALE	17
4.1 Overview	17
4.2 Occupational Health and Safety Act (OSHA), 2007	19
4.3 The Work Injury Benefits Act (WIBA), 2007	21
4.4 Responsibility for Implementation of the LMP	22
4.5 Gaps of Labor Legislation in Kenya and World Bank ESS	28
5.0 POLICIES AND PROCEDURES	36
5.1 Occupational health and safety	36
5.2 Risk Assessment	36
5.3 Child labour	37
5.4 Age at Employment	38
5.6 Labor influx	38
5.7 Labor disputes over terms and conditions of employment:	38
5.8 Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7	38
5.9 Security risks	39
5.10 Gender-based violence (GBV) and sexual exploitation and abuse (SEAH)	39
5.11 Terms and Conditions of Employment	39
6.0 CONTRACTOR MANAGEMENT PROCEDURES	41
7.0 PRIMARY SUPPLY WORKERS	41
8.0 COMMUNITY WORKERS	42
9.0 GRIEVANCE MECHANISM FOR LABOUR RELATED ISSUES	43
9.1 General Principles.....	43
9.2 Direct workers	44
9.3 Contractual workers	44

10.0	MONITORING AND EVALUATION	46
10.1	Fatality and serious incidents	46
10.2	GBV/SEAH incidents.....	47
11.0	BUDGET FOR THE IMPLEMENTATION OF THE LMP	48
	ANNEXES.....	49
	<i>Annex 1: Workers Health and safety Impacts and OHS risk assessment</i>	<i>49</i>
	<i>Annex 2. Terms and Conditions for Employment</i>	<i>56</i>
	<i>Annex 3: Individual Code of Conduct.....</i>	<i>58</i>
	<i>Annex 4: Sample Company Code of Conduct.....</i>	<i>61</i>
	<i>Annex 5 Public Participation and Consultation Presentations</i>	<i>65</i>

List of Tables

1	Table 1: Summary of workers for the FSRP Matrix.....	Error! Bookmark not defined.
2	Table 2: Potential Labour Risks and Mitigation Measures	Error! Bookmark not defined.

Acronyms and Abbreviations

ACHPR	African Commission on the Human and Peoples Rights
CoC	Code of Conduct
CBO	Community Based Organization
CDD	Community Driven Development
CIGs	Common Interest Groups
CoE	Council of Elders
CoK	Constitution of Kenya
CPOE	County Panel of Experts
CSO	Civil Society Organizations
CRA	Commission on Revenue Allocation
DOSHS	Directorate of Occupational Safety & Health Services
EAs	Environmental Assessments
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESHS.	Environment, Social, Health and Safety.
ESIRT.	Environmental and Social Incident Reporting Toolkit.
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FPOs	Farmer Producer Organizations
FSRP	Food Systems Resilience Project
FS	Feasibility Study
GDP	Gross Domestic Product
GoK	Government of Kenya
GM	Grievance Mechanism
ICT	Information and Communication Technologies
IDA	International Development Association
IPM	Integrated Pest Management
IPOs	Indigenous Peoples Organizations
IPV	Intimate Partner Violence
KAPAP	Kenya Agricultural and Agribusiness Project
KAPSLMP	Kenya Agricultural Productivity and Sustainable Land Management Project
KNCHR	Kenya National Commission on Human Rights
Kshs	Kenyan Shilling
KFS	Kenya Forest Service
LRA	Land Registration Act 2012

M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MEWNR	Ministry of Environment, and Forestry
MSME	Micro, Small and Medium-scale Enterprises
MoALD	Ministry of Agriculture and Livestock Development.
MoDP	Ministry of Devolution and Planning
MoE	Ministry of Education,
MoH	Ministry of Health
MOPE	Market-Oriented Producer Enterprise
MoU	Memorandum of Understanding
NCBF	National Capacity Building Framework
NCCAP	National Climate Change Action Plan
NEMA	National Environment Management Authority
NPOE	National Panel of Experts
NGO	Non-Governmental Organization
NLC	National Land Commission
NLP	National Land Policy
OP	Operational Policy
PAD	Project Appraisal Document
PAP	Project Affected Persons
PCU	Project Coordinating Unit
PDO	Project Development Objective
PIC	Public Information Centre
PIM	Project Implementation Manual
PRA	Participatory Rural Appraisal
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RRA	Rapid Rural Appraisal
SACCO	Saving and Credit Cooperative Organisations
SA	Social Assessment
SEAH	Sexual Exploitation, Abuse, and Harassmen
SLM	Sustainable Land Management
SP	Service Provider
SSE	Small Scale Enterprises
UN	United Nations
UNDRiP	Declaration on the Rights of Indigenous Peoples
WB	World Bank

I BACKGROUND

1. ESS2 Labor and Working Conditions of the World Bank's Environmental and Social Framework (ESF) recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. In order to promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.
2. This Labor-Management Procedure has been prepared as guided by Environmental and Social Standard 2 (ESS 2) on Labor and Working Conditions of the Environmental and Social Framework (ESF). ESS 2 groups project workers into various categories namely direct workers; contracted workers; community workers; and primary supply workers.
3. The purpose of the LMP is to identify the main labor requirements and risks associated with the project and help the MoALD to determine the resources necessary to address project labor issues. (a) identify the different types of project workers that are likely to be involved in the project; and (b) set out the ways of meeting the requirements of ESS2 that apply to the different types of workers, including national and county government staff, and consultants to be engaged in the project activities.
4. The minimum age for employment by the Government of Kenya is 18 years, which shall be minimum age for this project. The LMP will enable different project-related parties, for example, staff of the project management unit, the community, Saving and Credit Cooperative Organizations (SACCO) mobilizers and digitalization, Farmers Producer organizations (FPOs), subproject civil works site contractors and sub-contractors and the various categories of project workers, to have a clear understanding of what is required on a specific labor issue. The LMP is a living document, and can be reviewed and updated throughout development and implementation of the project.
5. Scope of the LMP is outlined in the World Bank's ESS2. This document presents an overview of labor use in the project, Key potential labor risks, Legislative Framework governing labor employment in Kenya, Implementation Arrangements, Age Requirement, Policies and Procedures and Timing of labor requirements, Grievance Mechanism and Contractor Management and finally primary suppliers. The project will ensure compliance with national law, including occupational health and safety (OHS) in accordance with the requirements of national laws and ESS2. Specifically, the LMP helps to. i) Promote safety and health at work; ii). Promote the fair treatment, non-discrimination and equal opportunity of project workers and other stakeholders; and iii). Protect project staff, including government staff and consultants.

2 OVERVIEW OF PROJECT

2.1 Project Description

Project Development Objective.

6. The project development objective (PDO) of the Kenya FSRP is to increase preparedness for food insecurity and improve the resilience of food systems in project areas
 - Component 1: (Re-) Building Resilient Agricultural Production Capacity
 - Subcomponent 1.1: Data and Digital Agriculture Systems at the National and County Levels*
 - Subcomponent 1.2: Climate-Smart Agriculture Technologies and Services*
 - Subcomponent 1.3: Community Engagement and Technology Transfer Including through Digitization*
 - Component 2: Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes
 - Subcomponent 2.1: Water Availability for Crops and Livestock*
 - Subcomponent 2.2: Rangeland Management for Crops and Livestock*
 - Component 3: Getting to Market
 - Subcomponent 3.1: Strengthening of Farmer Producer Organizations*
 - Component 3.2: Market Infrastructure and Enterprise Development*
 - Subcomponent 3.3: Creditworthiness of Crop and Livestock Farmers*
 - Component 4: Promoting a Greater Focus on Food Systems Resilience in National and Regional Policymaking
 - Subcomponent 4.1: Prioritization of Food System Resilience in Public Policy and Spending*
 - Subcomponent 4.2: Institutional Capacity for the Implementation of Resilience-Enhancing Policies*
 - Component 5: Contingent Emergency Response Component (CERC)
 - Component 6: Project Management
 - Subcomponent 6.1: Project Coordination (US\$10 million)*
 - Subcomponent 6.2: Project Monitoring, Learning, Knowledge management, and Cross-Cutting Issue. (Details for each sub component are in ESMF prepared for the project.)*

2.2 Project Geography

7. The project will make investments at the national, county, and at farm levels. National investments will include capacity building, technical assistance, policy analysis, policy coordination, and targeted market infrastructure upgrades. County- and farmer- level investments will be undertaken in 13 counties: **Baringo, Marsabit, Wajir, Mandera,**

Garissa, Tana River, Lamu, West Pokot, Laikipia, Isiolo, Turkana, Samburu, and Elgeyo-Marakwet.

8. **Project Beneficiaries.** The project aims to support 300,000 crop and livestock farmers, most of them operating at a small scale. The project will also benefit many other value chain actors including extension workers, aggregators, logistics support providers, and various SMEs. Nearly 5,000 jobs are expected to be created by the expansion of FPO, anchor off-taker, SME, and agritech operations, and the development of agro-entrepreneurship, and market linkages

2.3 Implementation Arrangements

2.3.1 Institutional and Implementation Arrangements

9. The project will benefit significantly from the existing implementation capacity and strong community institutions developed under KCSAP, NARIGP, and ELRP both at the national and county levels. At the national level, a fully functional national project coordination unit (NPCU) has been established with subject matter, financial management, procurement, and environment and social safeguard specialists that are supporting county implementation units. Each of the 13 counties already has fully functional implementation and coordination units (CPCUs) with trained specialists. The strong technical and fiduciary systems already developed under NARIGP, KCSAP, and ELRP will facilitate the Kenya FSRP's efficient implementation. The project will also leverage the existing three-tiered community-level institutional arrangement developed under KCSAP, NARIGP, and ELRP for implementation purposes.
10. The existing NPCUs of KCSAP and ELRP will be merged and the integrated team will lead the Kenya FSRP's implementation at the national level. Similarly, the existing KCSAP, ELRP, and NARIGP teams in each of the 13 counties will be merged and the integrated teams will lead the Kenya FSRP's implementation at the county level. The NPCU and CPCUs will be strengthened by bringing in new staff that have the appropriate expertise in newer focus areas such as in irrigation, financial services, data science, and digital technologies. The project will also strive to bring in highly qualified graduates from Kenya's leading agricultural, environmental science, and business schools (universities or vocational learning institutions) to work on discrete technical assistance assignments.

2.3.2 Project Oversight, Policy Guidance, Governance and Coordination.

11. At the national level, the GoK will be represented by the National Treasury (NT) and MoALD will be the main implementing agency. Within MoALD, the State Department for Crop Development will assume responsibility for the Kenya FSRP in coordination with the State Department for Livestock Development (SDLD). Overall project oversight and policy

guidance will be led by KCSAP's existing steering committee (NPSC) at the national level, and by the three existing projects' CPSCs. To enhance their ownership of the project, participating county governments will be fully involved in the decision-making process at the national level. They will be represented in the NPSC by the Chair of the Agriculture Committee of the Council of County Governors (CoGs), and they will be represented in the National Technical Advisory Committee (NTAC) by county executive committee members (CECMs).

12. At the community level, project implementation will be backed by the strong institutional architecture developed at the community level under KCSAP, NARIGP, and ELRP. CIGs will serve as the primary interface between project interventions and smallholder farmers and play a crucial role in enabling the delivery of training and extension services and helping farmers mobilize savings.

2.4 Overview of labor use on the FSRP Project.

The FSRP project shall engage the various types of workers as indicated here below:

13. **Project Coordinator:** A Project Coordination Unit (PCU) has been established within the Ministry of Agriculture, and Livestock Development, State Department of Crop development with the Project Coordinator (PC) as the overall leader responsible for the effective implementation and functioning of the Project. Other staff such as procurement officers, project accountants, ESS officers (Senior Environmental Specialist and Senior Social Development Specialist), Monitoring and Evaluation (M&E) will also be hired to handle cross-cutting functions of the project.
14. **Civil Servants:** The core implementation roles will be carried out by a national project coordination unit (NPCU) at the national level, and by county project coordination units (CPCUs) and community-level institutions (CIGs, Vulnerable and Marginalized Group [VMGs], CDDCs, FPOs, and SACCOs) at the community level. Each of these three tiers has significant pre-existing implementation capacity and systems. The fully functional NPCUs established under KCSAP and ELRP will be merged, and this integrated team, headed by the national project coordinator (NPC), will be responsible for managing day-to-day project implementation. The NPC will also be the secretary to the NPSC and NTAC. The NPCU's staff will include subject matter specialists, community institution specialists, technical production and irrigation specialists, financial inclusion specialists, financial management and procurement specialists, M&E and environmental/social safeguards specialists. MoALD will develop a mechanism to closely coordinate with KALRO the implementation and oversight of certain activities, such as relevant research initiatives and digital agriculture efforts.
15. At the county level, CPCUs headed by the Country Project Coordinator (CPC) deployed to the project by the county government from existing county staff will lead project

implementation under the oversight of CPSCs. The CPC will serve as the secretary to the CPSCs. CPCUs, which will be embedded in county government structures, will be made up of the CPC, and subject matter specialists.

16. **Temporary Staff:** The FSRP project will hire temporary workers for many of the Crop and livestock related activities, Climate smart, surveillance and stocking, assessment, and monitoring of livestock herds. It may also hire drivers and ground crew members for the management of livestock movements and transportation. Note that the number of temporary staff employees will be determined on a need-by-need basis.
17. **Contractor Workers:** The FSRP project will engage contractor workers in the construction of infrastructures to necessitate the establishment and operationalization of markets, water facilities, data analysis, livestock holding households and feed stores, and construction of quality hay storage FPO and SACCO operationalization
18. **Consultants:** The PCU will be supported by national and/or Technical Assistance (TA), who will be hired when necessary. The consultants will be assigned to various functions including documentation of lessons learned, digitization of SACCOs and FPOS , digitization of farmers to inform future livestock/crop disease control and extension services, movements, transportation and surveillance preparedness, and timely response to any incidents that would require technical expertise..

I Table I: Summary of workers for the FSRP Matrix

Category	Characteristics and MUST be 18 and above	Approximate number of workers	Gender	Timing of Labour Requirement
Direct workers	Project staff who are civil servants	182	120M/60F	Continuous (initiation to operation, Implementation)
	Project staff who are consultants	24	20mM/4F	Continuous in the project time as need arises
Contracted workers	TA consultants	60	40M/20F	During Project initiation development/Supervision during construction stage
	Construction contractors/sub-	800	500M/300F	Construction stage

	contractor/employees			
	SACCO/FPO workers	180	120M/60F	Periodically as may be required
	Unskilled labours from the Community within the project sites	4500	3000M/1500 F who must be 18 years and above	Construction stage, after signing a contract of agreement with the subproject site supervisors, SACCO or FPO Community members (skilled or unskilled) after selection by beneficiary community who are engaged by the contractor/ subcontractor will sign agreement contract and CoC and become contracted workers
	Private security workers		650(50x13)	Support security of small civil works sites/entry and exit of sites and normal felony
Primary supply workers	Firms and agencies will be required to deliver the various supplies e.g. stone and sand collectors, solar panel suppliers etc	400	350F/50F	Continuous
Community workers	For mobilization and strengthening of FPO, SACCOs and community contribution in subprojects	6000	4000M/2000 F	Construction stage and operation.
Security	Private/National Security	1000 (approximately)		NGAO for Mobilization, Transport

				Construction security in high risk areas
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19. **Primary Supply Workers:** Procurement will be done for livestock disease control chemicals, holding equipment, and other items aimed at ensuring proper transportation and movement of livestock and crop products across the various counties within the project areas. It is notable that most procurement will be carried out by the state department of crop development under the fiduciary Ministry of Agriculture and Livestock Development (MoALD) or possibly directly by the World Bank (if need be). The agreements will be spelled out in the respective contracts.

20. **Community Workers:** There will be two types of community workers who will be identified by the opinion leaders/elders/ in consultation with community members and the FSRP CPCU will reimburse travel fares and lunches : (i) community workers that will provide labor as in-kind contribution to the sub-projects to ensure ownership and sustainability; as non-skilled temporary workers, and (ii) youths employed as also non-temporary workers under the FPO, SACCO and subprojects investment window that will work in restoration of degraded lands, construction of water pans and other water storage structures, establishment of small-scale irrigation canals, and other sustainable land management activities. Community-based livestock or crop mobilization, and sensitization, and other community-based activities which will be carried out by community farmer groups in liaison with the relevant technical experts and the MoALD National and County level technical staff given reimbursed travel and lunch expenses by the project.

2.4.1 Establishment of safe systems for Workers

21. The LMP, which will apply to all project workers, will specify the use and flow of different cadres of workers, before the commencement of project activities. During the implementation of project activities, the respective supervisors/contractors will prepare OHS plans and the community health management plans, Traffic management plans, HR policy, and Emergency Response Preparedness Plans (ERPP) as part of their Contractor-specific Environmental and Social Management Plans (ESMPs) to manage related risks which have to be inserted in all bidding documents to tie all contractors into implementing them. Contractors will do the following to ensure the health and safety of the workers and communities; Develop a Human Resources Policy, which will outline worker rights to be included in all contracts including restrictions on working hours in line with applicable ILO standards, compensation including consideration of overtime, holidays etc.
- Put in place policies in line with National legislation and applicable international legislation and Code of Conduct and Policies.

- Put in place a pre-employment medical assessment as a workforce risk management tool to screen individuals for risk factors that may limit their ability to perform a job safely and effectively. This will ensure safer working environment, reduction in workplace injuries, minimized downtime, matching the capacity of the employee with the role, and overall recruitment cost and risk reduction.
- Ensure that training on health and safety measures is provided to all construction workers prior to starting to work on the project and that supervisors have adequate experience to deliver on their responsibilities.
- Implement regular health and safety checks and audits of workers, contractors and subcontractors and implementing sanctions in case of breaches of OHS plans and procedures
- Develop and implement a Workers Grievance Mechanism for the Project workforce including contractors and subcontractor's standards and the Project's specific standards. Such audits to include workplace H&S; worker contracts, working hours, pay and conditions; housing and food standards. Also ensure adequate condoms for both male and females.
- Establish procedure for the recording and analysis of incidents and lessons learned such that additional actions can be implemented to avoid or minimize recurrence of occupational health and safety incidents. Additionally, ensure that facilities and work sites are designed and maintained such that robust barriers are in place to prevent accidents.
- Ensure that its Code of Conduct is followed to regulate the performance and behaviour of all workers, including provision for disciplinary action for anti-social behaviour and non-compliance with health and safety regulations such as lack of use of PPE.
- In order to address the impacts on community health and safety, the contractors will be expected to develop and monitor the implementation of a Community Health and Safety Management Plan which will include the following measures:
 - Ensure that all workers are housed in accommodation camps rather than in the local settlements in order to minimize interaction with local communities and related health and safety impacts.
 - Ensure all workers including contractors and subcontractors undergo pre-employment screening and regular health screening including voluntary screening for STDs.
 - Ensure any trucking companies employed to work on the Project will have policies around health screening of their workers in line with Project requirements.
 - Ensure all workers including contractors and subcontractors receive education around transmission routes and symptoms of communicable diseases of concern and STDs.
 - Undertake community awareness on HIV/AIDS and other STDs

- Provide access to health care for those injured by its activities.
- Ensure that work sites are fenced and that signs are put up around work fronts and construction sites advising people of the risks associated with trespass.
- Undertake a programme of stakeholder engagement and consultation to educate local communities of the risks of trespassing onto sites, the meaning of signs, and the dangers of playing on or near equipment or entering fenced areas.

2.4.2 Other stakeholders working in connection with the FSRP project:

22. Stakeholders working in connection with the project, other than the above workers, will include staff from other institutions and organizations such as Civil Society Organizations (CSOs) National and county level offices who will support the activities at different levels and with varied time commitments. They will remain subject to the terms and conditions of their existing private sector employment, which are governed by Constitution of Kenya (CoK, 2010), Employment Act 2007 and existing public service regulations. There will be no legal transfer of their employment or engagement to the project. They will however be governed under the project OHS requirements. Each of these categories of workers need a platform to present their grievances or complaints. Therefore, just like in many organizations, where a welfare desk exists; the project will encourage contractors to adopt the same or similar desks so that workers and employees may have appropriate channels to put forward issues of dissatisfaction. (Chapter 11 describes the GM at sub project level including workplace). Table 2-2 presents a list of the workers and timing of their engagement in the project. The workers for the project may be migrant in nature but mainly domestic with this determination to be made during specific sub project design.
23. The terms and conditions for direct workers in NPCU, the consultants will be governed by National labour Laws. Their terms and conditions will be based on a specific assignment to be completed within a specified period at a pay rate per day. These terms and conditions should be discussed at recruitment and at position or vacancy offer level.

3 ASSESSMENT OF ANTICIPATED POTENTIAL LABOUR RISKS

- I. The safety of workers is an important consideration when hiring and deploying workers. Potential risks related to labour and working conditions, such as work-related discrimination, gender-based violence /sexual exploitation and abuse (GBV/SEA), and occupational safety and health (OHS) risks will be assessed and addressed by the PCU using recruitment guidelines, procedures, and appropriate OHS measures, relevant provisions of the Employment Act 2007, public service regulations and Human Resource (HR) manual. Training is essential in this area, as is the development of techniques and procedures which guarantee, to the greatest extent possible, the safety of workers exposed to dangerous situations. The process involves (1) Conducting a risk evaluation for health and safety at work. (2) Determine what protection measures are to be taken and, if necessary, what kind of protective equipment is to be used. (3) Maintain a register of accidents at work which have led to a period of incapacity for work of longer than three working days. (4) Draw up reports on accidents at work suffered by the firm's security workers. (5) The requirement to secure insurance for all risks that can be covered. breath). Report immediately to your supervisor if you or a family member has any of these signs.

Table 2 : Potential Labour Risks and Mitigation Measures

Type of subproject	Activity	Key potential labour risk	Mitigation measures
<p>Component 2 Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes</p>	<p>Sub Projects Construction of small dams, Water pans, boreholes and sand dams</p>	<p>Occupational safety and health risks (OHS)</p> <ul style="list-style-type: none"> • Drowning in the Water Pans • Risk of work-related injuries, • lung disease, • noise-induced hearing loss, • skin disease, as well as certain cancers related to chemical use or prolonged sun exposure • Contact with plant and equipment, , • thermal environments (heat and cold), • respiratory health • Working at heights to install water tanks, • Risk of fires • pressure extremes (high pressure or vacuum), noise, etc., • psychosocial - stress, violence, • slipping/tripping hazards, inappropriate machine guarding, • equipment malfunctions or breakdowns that may cause lots of harm on the workers • Increase in Gender Based Violence/ Sexual Exploitation and Abuse 	<ul style="list-style-type: none"> • Reference to Environmental, Health, and Safety (EHS) Guidelines is with general and industry-specific examples of Good International Industry Practice (GIIP) • Involve workers, who often have the best understanding of the conditions that create hazards and insights into how they can be controlled. • Hazards needing controls will be listed in order of priority and eliminate the hazard by removing the activity from the work process. Examples include substitution with less hazardous work, controlling the hazard at its source through use of engineering controls. E.g. local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc; • Minimizing the hazard through design of safe work systems and administrative or institutional control measures e.g. job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc. • Providing appropriate personal protective equipment (PPE) in conjunction with training on OHS, use,

Type of subproject	Activity	Key potential labour risk	Mitigation measures
	<p>Construction of feed storage facilities, Market facilities and spot repairs</p>	<p>Other Labour related risks</p> <ul style="list-style-type: none"> • Child labour • Labour disputes • Discrimination and exclusion of vulnerable groups • Spread of HIV/AIDS and STIs • Security risks • Social conflicts • Child labour • Weight and bulkiness of objects that they lift as back ache pains, back injuries. • Bending, • hazards include falling objects, improperly stacked materials, and various types of equipment. r • Strains and sprains from lifting loads improperly or from carrying loads that are either too large or too heavy, • Fractures and bruises caused by being struck by materials or by being caught in pinch points, and • Cuts and bruises caused by falling materials that have been improperly stored or by incorrectly cutting ties or securing devices. 	<p>and maintenance of the PPE</p> <ul style="list-style-type: none"> • Assign responsibility for installing or implementing the controls to a specific person or persons with the power or ability to implement the controls. Identify and evaluate options for controlling hazards, using a "hierarchy of controls." • Use a hazard control plan to guide the selection and implementation of controls, and implement controls according to the plan. • Develop plans with measures to protect workers during emergencies and nonroutine activities. • Evaluate the effectiveness of existing controls to determine whether they continue to provide protection, or whether different controls may be more effective. Review new technologies for their potential to be more protective, more reliable, or less costly

Type of subproject	Activity	Key potential labour risk	Mitigation measures
		<ul style="list-style-type: none"> • Accidents that may result from the unsafe or improper handling of equipment as improper work practices. • Lack of training for, workers to recognize the methods for eliminating—or at least minimizing—the occurrence of such accidents. • unsafe or unhealthful conditions, practices, or equipment and <p>Other related Risks</p> <ul style="list-style-type: none"> • Criminal offences; • Terrorism; • Cattle rustling / Inter-tribal or communal violence which could pose a threat to FSRP project personnel; • Industrial Action leading to strike or disruption of work, social conflict, civil unrest; • Breakdown of relationships with Community groups and Committees; • Reaction of community to an incident or accident involving FSRP project personnel or asset; • Threat of armed attack; 	

Type of subproject	Activity	Key potential labour risk	Mitigation measures
		<ul style="list-style-type: none">• Theft/ Larceny; and Kidnapping	

Type of subproject	Activity	Key potential labour risk	Mitigation measures
<p>Component 2 Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes</p>	<p>Sub Projects Construction of small dams, Water pans, boreholes and sand dams</p>	<p>Occupational safety and health risks (OHS)</p> <ul style="list-style-type: none"> • Drowning in the Water Pans • Risk of work-related injuries, • lung disease, • noise-induced hearing loss, • skin disease, as well as certain cancers related to chemical use or prolonged sun exposure • Contact with plant and equipment, , • thermal environments (heat and cold), • respiratory health • Working at heights to install water tanks, • Risk of fires • pressure extremes (high pressure or vacuum), noise, etc., • psychosocial - stress, violence, • slipping/tripping hazards, inappropriate machine guarding, • equipment malfunctions or breakdowns that may cause lots of harm on the workers • •Increase in Gender Based Violence/ Sexual Exploitation and Abuse <p>Other Labour related risks</p>	<ul style="list-style-type: none"> • At statutory level, the Kenyan Employment Act 2007 is equally expansive, prohibiting discrimination in employment on grounds of 'race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status. This will apply to all sub-projects under FSRP • Contractors to adhere to the above Act plan for the project. • Where project sites are located within the vulnerable groups area meeting ESS7 inclusion of all vulnerable people who have the relevant skills to provide labour. Sensitization will be conducted in culturally appropriate manner and in language understandable by the local communities will be used. • Sensitize women, youth and PwD of available opportunities and ensure that project work environment is made safe for their access. • An inclusive labour selection and participatory identification of community workers and implementation process. • Ensure easy access to the grievance redress mechanism which is tailor made to suit the local needs e.g.

Type of subproject	Activity	Key potential labour risk	Mitigation measures
	<p>Construction of feed storage facilities, Market facilities and spot repairs</p>	<ul style="list-style-type: none"> • Child labour • Labour disputes • Discrimination and exclusion of vulnerable groups • Spread of HIV/AIDS and STIs • Security risks • Social conflicts • Child labour • Weight and bulkiness of objects that they lift as back ache pains, back injuries. • Bending, • hazards include falling objects, improperly stacked materials, and various types of equipment. r • Strains and sprains from lifting loads improperly or from carrying loads that are either too large or too heavy, • Fractures and bruises caused by being struck by materials or by being caught in pinch points, and • Cuts and bruises caused by falling materials that have been improperly stored or by incorrectly cutting ties or securing devices. • Accidents that may result from the unsafe or improper 	<p>culturally appropriate.</p> <ul style="list-style-type: none"> • Social assessments to be guided by the ESMF will ensure identification of vulnerable groups and recommend appropriate means of their engagement in the projects labour force.

Type of subproject	Activity	Key potential labour risk	Mitigation measures
		<ul style="list-style-type: none"> • handling of equipment as • improper work • practices. • Lack of training for, workers to recognize the methods for eliminating—or at least minimizing—the • occurrence of such accidents. • unsafe or • unhealthful conditions, practices, or equipment and <p>Other related Risks</p> <ul style="list-style-type: none"> • Criminal offences; • Terrorism; • Cattle rustling / Inter-tribal or communal violence which could pose a threat to FSRP project personnel; • Industrial Action leading to strike or disruption of work, social conflict, civil unrest; • Breakdown of relationships with Community groups and Committees; • Reaction of community to an incident or accident involving FSRP project personnel or asset; • Threat of armed attack; • Theft/ Larceny; and 	

Type of subproject	Activity	Key potential labour risk	Mitigation measures
		Kidnapping	

Type of subproject	Activity	Key potential labour risk	Mitigation measures
<p>Component 3 Regional and domestic markets for food security</p>	<p>Farmer Producer Organization</p> <p>Construction of produce aggregation /value addition, infrastructure/facility, produce grading sheds, feed roads improvement, cold-rooms storage facility</p>	<p>OHS risks</p> <ul style="list-style-type: none"> • physical hazards (extreme temperatures, noise, vibration, Slips, trips • and falls, moving machinery, on-site transport); • Cuts and bruises caused by falling materials that have been improperly stored or by incorrectly cutting ties or securing devices. • Accidents that may result from the unsafe or improper • handling of equipment as • improper work practices. • Lack of training for, workers to recognize the methods for eliminating—or at least minimizing • The occurrence of such accidents. unsafe or • unhealthful conditions, practices, or equipment and <p>Other Risks</p>	<ul style="list-style-type: none"> •

Type of subproject	Activity	Key potential labour risk	Mitigation measures
	<p>DAT (Disruptive Agriculture Technologies)</p> <p>Changes in technology dissemination pathways to ICT</p> <p>SACCO</p> <ul style="list-style-type: none"> - Automation -Expansion and establishment of outreach centres 	<ul style="list-style-type: none"> •Potential contamination and poisoning in cereals •Occupational safety and health risks •Sexual Exploitation and Abuse •Child labour •Labour disputes •Discrimination and exclusion of vulnerable groups <p>Service related OHS risks</p> <ul style="list-style-type: none"> . physical hazards (extreme temperatures, noise, vibration, Slips, trips and falls, moving machinery, on-site transport); skin contacts with chemical hazards (irritants, solvents, sensitizers, exposure to controlled and uncontrolled pesticides, fungicide and 	

Type of subproject	Activity	Key potential labour risk	Mitigation measures
		<p>acaricide applications); biological hazard agents (animals, bacteria, parasites); ergonomic hazards (manual handling, repetitive work, tools poorly designed for the intended task)</p> <p>Frequent or common injuries in research institutes include cuts and wounds, eye infections, skin problem, fever and headaches caused by excessive heat or by exposure to pesticides while working in</p>	

2 Table 2: Anticipated potential Labour Risks per investment.

Type of subproject	Activity	Key potential labour risk
<p>Component 2 Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes</p>	<p>Sub Projects Construction of small dams, Water pans, boreholes and sand dams</p>	<p>Occupational safety and health risks (OHS)</p> <ul style="list-style-type: none"> • Drowning in the Water Pans • Risk of work-related injuries, • lung disease, • noise-induced hearing loss, • skin disease, as well as certain cancers related to chemical use or prolonged sun exposure • Contact with plant and equipment, , • thermal environments (heat and cold), • respiratory health • Working at heights to install water tanks, • Risk of fires • pressure extremes (high pressure or vacuum), noise, etc., psychosocial - stress, violence, • slipping/tripping hazards, inappropriate machine guarding, • equipment malfunctions or breakdowns that may cause lots of harm on the workers • •Increase in Gender Based Violence/ Sexual Exploitation and Abuse <p>Other Labour related risks</p> <ul style="list-style-type: none"> • Child labour • Labour disputes • Discrimination and exclusion of vulnerable groups • Spread of HIV/AIDS and STIs • Security risks • Social conflicts • Child labour • Weight and bulkiness of • objects that they lift as back ache pains, back injuries. • Bending, • hazards include falling objects, • improperly stacked • materials, and various types of equipment. r

	<p>Construction of feed storage facilities, Market facilities and spot repairs</p>	<ul style="list-style-type: none"> • Strains and sprains from lifting loads improperly or from carrying loads that are either too large or too heavy, • Fractures and bruises caused by being struck by materials • or by being caught in pinch points, and • Cuts and bruises caused by falling materials that have been improperly stored or by incorrectly cutting ties or • securing devices. • Accidents that may result from the unsafe or improper • handling of equipment as • improper work • practices. • Lack of training for, workers to recognize the methods for eliminating—or at least minimizing—the • occurrence of such accidents. • unsafe or • unhealthful conditions, practices, or equipment and <p>Other related Risks</p> <ul style="list-style-type: none"> • Criminal offences; • Terrorism; • Cattle rustling / Inter-tribal or communal violence which could pose a threat to FSRP project personnel; • Industrial Action leading to strike or disruption of work, social conflict, civil unrest; • Breakdown of relationships with Community groups and Committees; • Reaction of community to an incident or accident involving FSRP project personnel or asset; • Threat of armed attack; • Theft/ Larceny; and • Kidnapping
<p>Component 3 Regional and domestic markets for food security</p>	<p>Farmer Producer Organization Construction of produce aggregation /value addition,</p>	<p>OHS risks</p> <ul style="list-style-type: none"> • physical hazards (extreme temperatures, noise, vibration, Slips, trips • and falls, moving machinery, on-site transport);

	<p>infrastructure/facility, produce grading sheds, feed roads improvement, cold-rooms storage facility</p> <p>DAT (Disruptive Agriculture Technologies) Changes in technology dissemination pathways to ICT</p> <p>SACCO - Automation -Expansion and establishment of outreach centres</p>	<ul style="list-style-type: none"> • Cuts and bruises caused by falling materials that have been improperly stored or by incorrectly cutting ties or securing devices. • Accidents that may result from the unsafe or improper <ul style="list-style-type: none"> • handling of equipment as • improper work practices. • Lack of training for, workers to recognize the methods for eliminating—or at least minimizing • The occurrence of such accidents. unsafe or • unhealthful conditions, practices, or equipment and <p>Other Risks</p> <ul style="list-style-type: none"> •Potential contamination and poisoning in cereals •Occupational safety and health risks •Sexual Exploitation and Abuse •Child labour •Labour disputes •Discrimination and exclusion of vulnerable groups <p>Service related OHS risks</p> <ul style="list-style-type: none"> . physical hazards (extreme temperatures, noise, vibration, Slips, trips and falls, moving machinery, on-site transport); skin contacts with chemical hazards (irritants, solvents, sensitizers, exposure to controlled and uncontrolled pesticides, fungicide and acaricide applications); biological hazard agents (animals, bacteria, parasites); ergonomic hazards (manual handling, repetitive work, tools poorly designed for the intended task) Frequent or common injuries in <p>research institutes include cuts and wounds, eye infections, skin problem, fever and headaches caused by excessive heat or by exposure to pesticides while working in</p>
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3. After using the materials there will be another challenge of waste management which unless well managed will be an environmental hazard. WBG Environmental, Health, and Safety (EHS) Guidelines is a reference document with general and industry-specific examples of Good International Industry Practice (GIIP) (Environmental, Health, and Safety (EHS) Guidelines, n.d.). In addition, teams working on the project activities will be required to comply with the International Guidelines on Safety and Environmental Precautions
4. **Sexual Abuse, Exploitation, and Harassment:** The 13 counties where the FSRP will be implemented are patriarchal communities and Muslim dominated with most community members practicing polygamy, a risk factor for GBV. Some of the factors that contribute to vulnerability of women and girls to SEAH in the project areas include the following:
 5. Poverty and power dynamics. GBV is deeply rooted in unequal power relations and negative gender norms. The risk of SEAH is therefore higher in rural pastoral communities where poverty and unemployment are more pronounced, and disproportionately affects women and girls. Collectively, these factors are likely to affect not only the vulnerability of women and girls to SEAH, but also the commitment to SEAH prevention as well as the provision and uptake of GBV services. The project areas have 65 percent of their population living below the poverty line compared to the national average of 26 percent.
 6. Societal norms: Women and girls are usually at high risk of SEAH because of societal norms hinged on patriarchal tendencies that perpetuate power differentials between males and females, and support or condone male violence against women and girls. Social attitudes towards violence against women and girls will also influence the reporting rates and management of SEAH cases by local actors. An important additional risk factor is labor influx. Labor influx and the extent to which a community has capacity to absorb labor influx, as well as the inflow of income to workers, can exacerbate already existing inequities between workers and community members.
 7. Education and literacy: Low levels of education and literacy among girls, that leads to high unemployment rates among women. These factors weaken women's and girls' confidence as they seek menial jobs in project sites. Besides, low confidence means they are most at risk of SEA from project workers who often have higher incomes than usually available to community members.

The project has prepared a SEAH Prevention and Response Action Plan which will guide the mitigation of these risks. The projects SEP will also guide community sensitization of GBV/SEA-SH risks and project instituted prevention and risk mitigation measures. The project contractors are also expected to sign a Code of Ethical Conducts (CoC) with clear requirements on prohibition of GBV related issues. Direct workers and community workers where necessary will also be required to sign CoC attached in the SEAH response and action plan.

8. **Child labour.** In construction related activities child labour is a risk due to their vulnerability caused by poor livelihood conditions of children's parents. Child labour is not expected among direct workers (Project implementation teams) or in those contracted to undertake consulting or facilitation services as these sectors are not associated with the presence of child labour. It might take place under contractor or its sub-contractors, e.g. construction of small civil works infrastructure and activities related to conservation degraded land.
9. Several laws protect children from child labor in Kenya including the Employment Act 2007. The Children's Act says that children should be protected from economic exploitation, any work that interferes with their education, and work that is harmful to a child's health or social, mental, physical and spiritual development. Kenya has also ratified several international conventions that are aimed at protecting children from exploitation. These include Minimum Age, Worst Forms of Child Labour, Optional Protocol on Armed Conflict, and the Palermo Protocol on Trafficking in Persons. The FSRP will not allow child labor in any of the subprojects.
10. These potential risks will be assessed by undertaking site specific risk and hazard assessments as part of the Environmental and Social Impact Assessments. Among the main mitigation measures is to ensure that no child labour or engagement of under 18 years persons among other identified risks and prepared as per ESS2 and incorporated into the sub-project's ESMP.
11. **Labor disputes over terms and conditions of employment.** Likely cause for labor disputes includes demand for limited employment opportunities; labor wages/rates and delays of payment; delayed payment of workers, disagreement over working conditions (particularly overtime payments and adequate rest breaks); and health and safety concerns in the work environment. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest and work stoppage.
12. **Discrimination and Exclusion of Vulnerable Groups in participating in the labor force.** This could be a result of lack of culturally appropriate consultations and sensitization of the local vulnerable groups of available job opportunities and how to be included in the recruitment process. At statutory level, the Kenyan Employment Act 2007 is equally expansive, prohibiting discrimination in employment on grounds of 'race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status. However vulnerable groups of people as well as communities who meet the requirements of the World Bank ESS7 who are in the 13 counties (**Baringo, Marsabit, Wajir, Mandera, Garissa, Tana River, Lamu, West Pokot, Laikipia, Isiolo, Turkana, Samburu, Elgeyo Marakwet**) may be subject to increased risk of exclusion from employment opportunities under the project, which will be implemented mainly in the pastoral communities of the Somali, Borana, Rendille,

Pokots, Gabra, Turkana among others. Other vulnerable groups include expectant women, female-headed households, single parents, the sick and elderly, persons with disabilities (PWDs), and the nutritionally challenged members of the rural poor communities (like those with marasmus), and breastfeeding mothers.

Table 3 : Labour Risks and Mitigation Measures

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
<p>Accident and injuries (safety and health hazards) (OHS)</p> <p>Siting and preparation</p> <p>Moving Plant and machinery to workplaces and working with moving plant or parts create exposure to the risk of injuries. The hazards associated with moving parts of machinery include the risk of crushing, shearing, entangling, trapping, hitting or abrading, or the uncontrolled release of pressure (energy).</p> <p>Construction phase</p> <p>slip and falls from manual handling of objects, working near water, and related risks</p> <p>impoundment structures such as water pans which will fill up with rainwater and surface runoff which</p>	<p>All site workers (Skilled, Semi-Skilled and Casual workers)</p>	<p>medium</p>	<ul style="list-style-type: none"> • Reference WBG Environmental, Health, and Safety (EHS) Guidelines is an OHS Management Plans to be developed by contractors according to LMP requirements and in line with WBH EHS Guidelines and other relevant. GIIP reference document with general and industry-specific examples of Good International Industry Practice (GIIP) (Environmental, Health, and Safety (EHS) Guidelines, n.d.). • All teams working on the project activities will be required have a training on how to comply with ESS 2, WBG EHS and OHS and the International Guidelines on Safety. • The supervision engineer to ensure: Incident reporting as recommended by Directorate of Occupational Safety and Health Services (DOSHS) within period of 48hrs • Each active work site to have an OHS trained and certified first-aider; • Only workers fit for the roles to be hired. • Code of Conducts (CoC) to be signed by all workers and to prescribe that wearing protective gears is mandatory • Developing incident reporting forms at times of Emergency Response Plan for each of the sub-project; • Installation of warning signs and barricades appropriately at all active worksites;

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
<p>might cause breaching of the pans or sand dams</p> <p>Biological hazards which include bacteria, viruses, insects, plants, birds, animals, and humans. can cause a variety of health effects ranging from skin irritation and allergies to infections (e.g., tuberculosis, AIDS), cancer and so on.</p> <p>Work-related musculoskeletal disorders (WMSD), health evidence-based from each intervention</p> <p>Other risks noise, etc., psychosocial - stress, violence, safety - slipping/tripping hazards, inappropriate machine guarding, equipment malfunctions or breakdowns that may cause lots of harm on the workers</p>			<ul style="list-style-type: none"> • Labourers to be provided with appropriate PPEs to site workers and visitors • Provision of well stocked first aid kits and first aid training to all site workers; • Contractor shall develop, adopt and sensitize all site workers on Standard Operating Procedures guiding working in heights, lifting operations, driving under the projects, drilling, excavations, hazardous materials, prevention of oil spills, machines and maintenance, health and hygiene (as applicable to the sub-project); • Pre and post placement medical examination to be conducted for all workers • Where the Mitigation measures prescribed by the SMP are applicable in the area, workers security while at work remains a major risk that requires explicit incorporation of management measures, as prescribed in the requirements of the SMP at each county and site-specific Sites identified.
<p>Health, and Safety (EHS) risk:</p>	<p>All site workers</p>	<p>Medium</p>	<ul style="list-style-type: none"> • Reference to Environmental, Health, and Safety (EHS) Guidelines is with general and industry-specific examples of Good International Industry Practice (GIIP) • Involve workers, who often have the best understanding of the

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<p>conditions that create hazards and insights into how they can be controlled.</p> <ul style="list-style-type: none"> • Hazards needing controls will be listed in order of priority and eliminate the hazard by removing the activity from the work process. Examples include substitution with less hazardous work, controlling the hazard at its source through use of engineering controls. E.g. local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc; • Minimizing the hazard through design of safe work systems and administrative or institutional control measures e.g. job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc. • Providing appropriate personal protective equipment (PPE) in conjunction with training on OHS, use, and maintenance of the PPE • Assign responsibility for installing or implementing the controls to a specific person or persons with the power or ability to implement the controls. Identify and evaluate options for controlling hazards, using a "hierarchy of controls." • Use a hazard control plan to guide the selection and implementation of controls, and implement controls according to the plan. • Develop plans with measures to protect workers during emergencies and nonroutine activities.

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<ul style="list-style-type: none"> • Evaluate the effectiveness of existing controls to determine whether they continue to provide protection, or whether different controls may be more effective. Review new technologies for their potential to be more protective, more reliable, or less costly
Discrimination and Exclusion of Vulnerable Groups	All workers	medium	<ul style="list-style-type: none"> • At statutory level, the Kenyan Employment Act 2007 is equally expansive, prohibiting discrimination in employment on grounds of 'race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status. • Contractors to adhere to the above Act plan for the project. • Where project sites are located within the vulnerable groups area meeting ESS7 inclusion of all vulnerable people who have the relevant skills to provide labour. Sensitization will be conducted in culturally appropriate manner and in language understandable by the local communities will be used. • Sensitize women, youth and PwD of available opportunities and ensure that project work environment is made safe for their access; • An inclusive labour selection and participatory identification of community workers and implementation process. • Ensure easy access to the grievance redress mechanism which is tailor made to suit the local needs e.g. culturally appropriate; • Social assessments to be guided by the ESMF will ensure

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			identification of vulnerable groups and recommend appropriate means of their engagement in the projects labour force.
Labor disputes over terms and conditions of employment.	Program workers	High	<ul style="list-style-type: none"> • Having collective agreements with workers as provided in the labour and relations act No 14 of 2007 • Provide appropriate ESS 2 labour relations GM for the resolution of grievances • The use of alternative dispute resolution methods such as arbitration and mediation (out of court settlement) using trusted local opinion leaders and local administration especially in vulnerable group areas meeting ESS7. • Work with community leaders to avoid conflict related to community differences. Tested community leaders play a role in the fair identification of both contracted workers (local). • Ensure GM is accessible to all Workers and that there no impunities for reporting (whistle blower)
Likely incidents of child labour	FSRP contractors and sub-contractors	Low	<ul style="list-style-type: none"> • All vacancy advertisements should clearly prescribe that child labour is not permitted and persons to be employed must meet the minimum age as prescribed in Employment act 2007 which is 18 years and above • Sensitize beneficiaries on negative impacts of child labour; • Certification of laborers' age and removal of under-age (using National Identification Card, Birth Certificate or affidavit of birth in employment of workers); • Ensure on compliance with the employment act 2007

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<ul style="list-style-type: none"> • Ensure that contractors have and implement a Child Labour protection Policy to deter employment and abuse of children in the project In the project design, FSRP implementation structures will include membership from Children and Labour Departments mandated to address child labour risks, both at national and county levels. • Raise awareness/sensitization of child labour issues, e.g. hazardous work and risks to all project beneficiaries. • In liaison with county relevant officers, support community organizations to formulate children’s policies at local level enforced by county officers. • Train and build capacity of communities where most CDDCs are located on the supportive legal framework against child labour. • Use existing government structures to address child labour issues: Area Advisory Council in Children (AAC), children services and labour departments, the Ministry of Internal Security (Area Chiefs), Ward Administrators and the National Council Against Child labour. The project will work in collaboration with these structures to ensure that there is no child labour in any project activities. • Involve Children Services Department at the project level from the outset to ensure child labour, risks and mitigation measures are identified and the mitigation measures mainstreamed. • The policy of the Government is to eliminate child labour through

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<p>awareness creation, training of communities and ToTs. Therefore, it will be prudent for the project at mobilization stage and throughout the implementation phases to identify strategies that will avoid/minimize engagement of child labour.</p> <ul style="list-style-type: none"> • Structures to address child labour exist in various mandated government ministries, departments and agencies and are multi-sectoral in nature and should be fully engaged by the project to mitigate child labour. • Sensitize and train beneficiary communities to be aware of the drivers (including socio-cultural practices, high income incentives, poverty levels and high cost of living) of child labour and suitable measures to avoid/minimize the same.
Labor influx	Contracted workers	High	<ul style="list-style-type: none"> • Provision of employment for local community members will be a priority; • Contractor to develop and implement Hiring Procedures aiming at reducing labour influx reviewed and found acceptable to the implementing agencies; • Contractors and sub-contractors to use of local leaders, opinion leaders on recruitment of manual/unskilled; workers; • Advertisement on labour recruitment including messages that preference for local employment to be placed on notice board; • Supervision consultant to ensure that the contractor avoids hiring at the gate;

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<ul style="list-style-type: none"> • Provide equal employment opportunities for both youth, women, men and disabled; • Preparation, implementation and enforcement of Code of conducts by the contractor; • Trainings for workers on their obligations under the Code of Conduct; • Contractor to have a GBV Action Plan, including a Response and Accountability Mechanism; • Provision of workers accommodation where necessary to reduce impacts of to be considered.
Risks of gender-based violence risks including Sexual Exploitation and Abuse (SEAH)workplace	All workers	High	<ul style="list-style-type: none"> • Apply requirements of the FSRP SEAH Prevention and Response Action Plan to mitigate GBV and SEA risks; • Define SEAH requirements and expectations included in the contractual obligations as well as reinforce CoCs that address SEAH in the project locations to cultivate an environment free from SEAH as well as regular dissemination of the CoC to the workers; as guided in the GBV/SEAH action plan • No sexual or other favours can be requested in exchange for services; • Project staff are prohibited from engaging in SEAH and this information should be clearly spelt out during training and other forms of communication to the staff; • Any case or suspicion of SEAH should be reported to [hotline number, GM or citizen engagement/feedback mechanism];

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
			<ul style="list-style-type: none"> • Information on protection of whistle-blowers; and • The range of services available for survivors including healthcare, protection and psychosocial care.
HIV/AIDS	Program workers (Skilled, Semi-Skilled and Manual workers)	Medium	<ul style="list-style-type: none"> • Sensitization on HIV/AIDS infection, causes and prevention • Pre and Post Counselling on HIV/AIDS • Sensitization on voluntary testing and provision of the same by a service provider; • Sensitization on the proper use of ARVs; • Provision condoms to project workforce; • Provision of Information Education and Communication Materials (IEC) materials such as posters and fliers with information on HIV/AIDS.
<p>Security related risks</p> <ul style="list-style-type: none"> • Criminal offences; • Terrorism; • Cattle rustling / Inter-tribal or communal violence which could pose a threat to FSRP project personnel; • Industrial Action leading to strike or disruption of work, social conflict, civil unrest; 	All workers	medium	<ul style="list-style-type: none"> • The Security Management Plans (SMP) has provided guidance on how to maintain a safe physical environment and manage staff activities to reduce the risk of personal injury and property loss during the implementation of the FSRP. The plan describes how security will be organized to face identified threats and how to be continuously reassessed and reorganized in correlation with security situations and operations being undertaken. • All CPCU, supervision consultants and contractors to adopt county specific SMPs and implementing them in the execution of their work. • The county social specialists and project coordinators to monitor and report on the implementation of the SMPs.

Potential Risk as identified in ESS2	Type of Worker Likely to be affected	Magnitude of Risk	Mitigation measures
<ul style="list-style-type: none"> • Breakdown of relationships with Community groups and Committees; • Reaction of community to an incident or accident involving FSRP project personnel or asset; • Threat of armed attack; • Theft/ Larceny; and Kidnapping 			<ul style="list-style-type: none"> • Security personnel provided for works under the project to abide by the provisions in the SMP and sign CoC guiding their relationships with local communities as well as the project workforce. • Adhere to mitigation measures that accompany the security rating of sub projects location as stipulated in the county security management plans prepared under FSRP
Forced labour	Community	Medium	<ul style="list-style-type: none"> • Engage with stakeholders inclusively; let the contractor's employment code of conduct; • capacity building and awareness creation to communities; signing of individual contracts; • use the project grievance management; • monitoring risks and remedying them; • contractors to liaise with Area Chiefs on community labour management; set community working hours (Start/End); use the services of community mobilizer (employed by the contractor) as a go-between-the contractor/service provider and community. For the SEAH, it is recommended that this LMP is consulted together with the project SEAH Prevention and Response Plan and also ESMF recommendations.

3.1 Reporting

13. MoALD, FSRP will be required to prepare and submit to the Bank regular monitoring progress reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to, the implementation of the ESCP, status of preparation and implementation of E&S documents required under the ESCP, stakeholder engagement activities, and the functioning of the grievance mechanism. Reporting will be quarterly and annually throughout the project implementation period.

3,2 Incidents and Accidents

14. Each incident will be investigated appropriately, to understand the immediate underlying and root causes of the incident and establish if the project is a cause or contributing factor. Depending upon the findings of the investigation, the incident may be drawn to the attention of Bank management and a corrective action plan agreed upon to minimize the chances of recurrence of the incident. The incidents involve FSRP Project work which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers including child abuse, gender-based violence, pesticide spills or misuse, diversion of pesticides or any dispute between local communities. FSRP will provide sufficient detail regarding 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 supervising entity, as appropriate. Subsequently, as per the Bank's request, MoALD, FSRP will prepare a report on the incident or accident and propose any measures to prevent its recurrence. The incident report will be prepared by undertaking Root Cause Analysis (RCA), along with measures to prevent recurrence to be provided within fifteen days.

4.0 **KEY LABOUR POLICIES, PROCEDURES AND RATIONALE**

4.1 **Overview**

15. Kenya has a very elaborate legal framework on matters of labor and working conditions. The Constitution of Kenya (CoK) 2010 provides a number of relevant clauses including Article 2 which recognizes ratified treaties as part of the laws of Kenya. Article 41 (on Labor Relations) addresses the entitlements and guarantees afforded to workers, employers and the unions, and exercisable by them within Kenya's employment regime. These entitlements are anchored on key human rights and freedoms including the right to human dignity in Article 28; freedom from all forms of slavery, servitude and forced labor in Article 30; and the right of everyone to have their privacy respected as provided for in Article 31. 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. The 2010 Kenyan Constitution protects every child from violence and abuse, neglect, harmful cultural practices, and hazardous or exploitative labour.
16. The Employment Act 2007 is Kenya's codifying legislative enactment on the laws governing employment. It addresses itself to regulating the tripartite relationship that exists between the employers, employees and the government including the State's mediator-role in safeguarding the entitlements of both parties. The Act, which has been amended several times; defines the fundamental rights of employees, and provides basic conditions of employment for employees, including the regulation of employment of children. As such, this Act most closely aligns with essential imperatives that are evident in the ESS2 Standard of the World Bank. 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.
17. The Employment Act addresses the employer-employee power-dynamic, focusing on the employer-employee engagement from the insular perspective of a direct contractual arrangement between the two parties. The assumption is that all persons who fit the descriptions of 'employer' and 'employee' are governed by this law including those implementing development projects.
18. The law has different approaches to defining the categories of employees, such as: by nature, and length of the employee-engagements. The categories include casual employees (who are not engaged for a longer period than 24 hours at a time), part-time, full-time employees, piece work (where the focus is the amount of work performed irrespective of the time occupied in its performance) and employees with probationary contracts (which address the formalities

and length of the probationary period). In addition, the Act provides for the minimum terms and conditions of employment of an employee and grounds upon which a contract may be nullified. This is intended to discourage any arrangements that seek to undermine the statutory standards. It is notable that the national laws are aligned to the requirements of ESS2.

19. The applicable international instruments 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).
20. The instruments of the International Labor Organization (ILO) applicable in Kenya include:
 - i. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
 - ii. The Right to Organize and Collective Bargaining (ILO Convention 98); Forced Labor (ILO Convention 29);
 - iii. The Abolition of Forced Labor (ILO Convention 105);
 - iv. Minimum Age (of Employment) (ILO Convention 138); and
 - v. Discrimination (Employment and Occupation) (ILO Convention 111)
21. The Abolition of Forced Labor (ILO Convention 105) provides for ‘Article I Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labor-- a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; b) as a method of mobilizing and using labor for purposes of economic development; c) as a means of labor discipline; d) as a punishment for having participated in strikes; e) as a means of racial, social, national or religious discrimination.
22. Minimum Age (of Employment) (ILO Convention 138) in one of the Articles holds that “Article I Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labor and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons”.
23. The Worst Forms of Child Labor (ILO Convention 182); Equal Remuneration (ILO Convention 100); maintains that “Article I Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency;
24. Discrimination (Employment and Occupation) (ILO Convention 111) that states in one article that “Article I I. For the purpose of this Convention the term discrimination includes--

- (i) Any distinction, exclusion or preference made based on race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.
- (ii) Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.

25. These limitations include:

- Limitation of the freedom of association.
- Limitation of the right to assembly, demonstration, picketing and petition.
Limitation of the right to labour relations.
- Limitation of economic and social rights.

4.2 Occupational Health and Safety Act (OSHA), 2007

26. This is an Act of Parliament to provide for the safety, health and welfare of workers and all persons lawfully present at workplaces, to provide for the establishment of the National Council for Occupational Safety and Health and for connected purposes. The Act has the following functions among others:

- Secures safety and health for people legally in all workplaces by minimization of exposure of workers to hazards (gases, fumes and vapours, energies, dangerous machinery/equipment, temperatures, and biological agents) at their workplaces.
- Encourages entrepreneurs to set achievable safety targets for their enterprises.
- Promotes reporting of work-place accidents, dangerous occurrences and ill health with a view to finding out their causes and preventing of similar occurrences in future.
- Promotes creation of a safety culture at workplaces through education and training in occupational safety and health.

27. Failure to comply with the OSHA, 2007 attracts penalties of up to KES 300,000- or 3-months jail term or both or penalties of KES 1,000,000-or 12-months jail term or both for cases where death occurs and is in consequence of the employer. The Occupational Safety and Health Act 2007 repealed the Factories and Other Places of Work Act. Anything done under the provisions of the Factories and Other Places of Work Act including subsidiary legislation issued before the commencement of the OHS 2007 shall be deemed to have been done under the provisions of this Act.

28. The Factories and Other Places of Work Act has over the years passed several subsidiary rules and regulations for effective implementation of the Act. All shall, as long as it is not

inconsistent with OSHA 2007 remain in force until repealed or revoked by subsidiary legislation under the provisions of OSHA 2007 and shall for all purposes be deemed to have been made under this Act.

29. These regulations include:

- The Factories (Cellulose Solutions) Rules 1957;
- The Factories (Wood Working Machinery) Rules 1959;
- The Factories (Dock) Rules 1962;
- The Factories (Eye Protection) Rules 1978;
- The Factories (Electric Power) (Special) Rules 1978;
- The Factories (Building Operations and Works of Engineering Construction) Rules 1984;
- The Factories and Other Places of Work (Health & Safety Committees) Rules 2004;
- The Factories and Other Places of Work (Medical Examination) Rules 2005;
- The Factories and Other Places of Work (Noise Prevention and Control) Rules 2005;
- The Factories and Other Places of Work (Fire Risk Reduction) Rules 2007;
- The Factories and Other Places of Work (Hazardous Substances) Rules 2007.

30. The scope of OSHA 2007 has been expanded to cover all workplaces including offices, schools, academic institutions and plantations. It establishes codes of practices to be approved and issued by the Director, Directorate of Occupational Health and Safety (DOSHS) for practical guidance of the various provisions of the Act.

Other parameters within the Act relevant to the project include:

- Duties of employers, owners or occupiers of workplace;
- Establishment of safety and health committees;
- Annual safety and health audit of workplaces;
- Safety and Health obligations for persons who may come to premises for work and are not employees of that particular workplace;
- Reporting of any accident, dangerous occurrence or occupational poisoning caused in the workplace to the area Occupational Health and Safety Office. These incidents should be entered in the General Register. In case of fatal accident information to the area Safety and Health Office should be within 24 hrs. and a written notice to the same within 7 days;

31. The duties of manufactures, designers, importers and suppliers to ensure that all articles and substances for use at workplace are safe and will not cause injury to health and the environment;

32. Under this Act, the duties of the Occupier are provided thus in Section 6: Every occupier shall ensure the safety, health, and welfare at work of all persons working in his workplace. Among others, the duty of the occupier includes:

- The provision and maintenance of plant and systems and procedures of work that are safe and without risks to health;
- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- The provision of such information, instruction, training and supervision as is necessary to ensure the safety and health at work of every person employed
- The maintenance of any workplace under the occupier's control, in a condition that is 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;
- The provision and maintenance of a working environment for every person employed that is, safe, without risks to health, and adequate as regards facilities and arrangements for the employee's welfare at work;
- Informing all persons employed of any risks from new technologies; and imminent danger; and ensuring that every person employed participates in the application and review of safety and health measures.

4.3 The Work Injury Benefits Act (WIBA), 2007

33. The Work Injury Benefits Act (WIBA) this act of Parliament (2007) provides for compensation to employees for work related injuries and diseases contracted in the course of their employment and for connected purposes. It also addresses workplace safety and health and has since been amended several times. It provides for compensation to employees for work-related injuries and diseases contracted in the course of their employment. The Act provides for the compensation of 'injured' employees as well as their dependents, who are adversely affected by work injuries. Part III (on Right to Compensation) addresses the entitlement and guarantee afforded in respect of compensation. This provision could be expanded to cover infection with COVID-19 contracted while at work.

34. The PCU could refer to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, 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 OHS Framework Directive (Directive 89/391)
- World Bank Group EHS Guidelines

35. The Environmental Health and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP). The EHS Guidelines contain the performance levels and measures that are normally acceptable to the WB Group, and that are generally considered to be achievable in new facilities at reasonable costs by existing technology. The EHS General Guidelines remain relevant to this project and were utilized in the development of the ESMF. General guidelines that are available at www.ifc.org/ehsguidelines.

36. The LMP shall inform the following key Documents:

- a) Environmental and Social Management Plan (ESMP): The ESF document prepared prior to project approval by the World Bank identifying the activities to be undertaken, key risks (based on ESIA if available), and their mitigation measures.
- b) Contractors Environmental and Social Management Plan (C-ESMP): the plan prepared by the contractor outlining how they will implement the works activities in accordance with the project’s environmental and social management plan (ESMP). As shown in Figure c) the C-ESMP also contains a number of management plans, in particular, the OHS Management Plan.
- c) Codes of Conduct: The Codes of Conduct adopted for the project (or individual companies) covering the commitment of the company, and the responsibilities of managers and individuals with regards to ESHS, OHS and GBV.

4.4 Responsibility for Implementation of the LMP

37. The Project Coordination Unit (PCU) within the MoALD is responsible for the overall project management and coordination, including compliance with ESF requirements the county PCU at county level (the team should contact and work with Labor officers and Directorate of Occupational Safety and Health Services (DOSHS) officers available at the following County offices.

Counties	DOSHS office location
Garissa/Wajir/Mandera	Garissa
Lamu /Tanariver	Malindi
Laikipia/samburu	Nanyuki
Marsabit/Isiolo	Meru
West Pokot/Turkana	Kitale
Baringo	Nakuru
Elgeyo Marakwet	Eldoret

38. The PCU is responsible for the following tasks:

- a. Engage and manage workers, consultants and contractors in accordance with this LMP and the applicable Employment regulations, OHS and world Bank EHS guidelines.

- b. MOALD, staff will be recruited and deployed in accordance with the MOALD, human resources policy. But are expected to comply with the ESS 2 requirements while undertaking the FSRP activities
 - c. Ensure that the GRM for project workers is implemented and that project workers are informed.
 - d. Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents.
 - e. Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
 - f. Monitoring the implementation of the Worker Code of Conduct; MOALD, officers swear to oath of office as prescribed in the public service and will not be subjected to the worker Code of Conduct. However, MOALD, officers are expected to comply with ESS2 requirements, including the Occupational Health and Safety, grievance mechanism, and will be trained on GBV/SEA/SH requirements.
 - g. Provide training on OHS hazards and mitigations using experts from the directorate of OHS located in the various county offices.
 - h. Carry out OHS supervision on a regular basis at field level
 - i. Provide oversight on OHS risk assessment definition of mitigation measures in line with the mitigation hierarchy
 - j. Report to the World Bank on labor and OHS performance and key risks and complaints; and undertake the overall implementation of this LMP.
39. The PCU has deployed a senior social development specialist and an environmental specialist, will engage a specialized officer from the directorate of Occupational health and safety (DOSH) in promoting the implementation of the LMP/OHS requirements within the project. These officers are county based but may serve as NPOE or CPOE. The project coordinator and the entire PCU have the responsibility to ensure all teams are trained and adhere to all OHS guidelines as integral to the project. The team is specifically, responsible for the following:
- a) Ensuring Implementation of the GRM for contracted workers by civil works site specific supervision officer ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances and resolutions provided to the CPCU who will later provide a report to NPCU ESS team and World Bank. Therefore, for contracted workers, the contractor is required to set up GM at its level first, CPCU is supposed to monitor the performance of the contractor on labor management aspects. Hence, terms of employment, payments, working conditions and remedies in case of non-compliance should be clearly specified in contract document. In case the contractor is unable to make available the GM the project will require to make it's GRM accessible.

- b) Ensure all contractors and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC (annexed in this LMP)
- c) Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities,
- d) Maintain records of recruitment and employment of contracted workers (including sub-contractors); excluding MOALD, service officers which has its own recruitment policy).
- e) Provide induction and regular training to contracted workers and MOALD, officers on ESHS issues.
- f) Report to the PCU on labor and OHS performance.
- g) Require primary supplier(s) and community workers to identify and address risks of child labor, forced labor and serious safety issues and undertake due diligence to ensure this is done.
- h) Supervise workers' adherence to the LMP.

40. In the CPCU the county will deploy a social safeguards officer and an environmental safeguards officers who are responsible for promoting implementation of the LMP and OHS requirements within the project. The project coordinator in each 13 counties responsibility will be to implement these components which are integral to the project. The team is specifically, responsible for the following:

- a. Implement the GRM for contracted workers (including MOALD, service officers), including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances and resolutions regularly to the PCU and World Bank.
- b. Ensure that all key documents of the ESF like ESMP are included in contractual documents and are part of the tendering process
- c. Ensure all contractors and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC.
- d. Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities,
- e. Maintain records of recruitment and employment of contracted workers (including sub-contractors); excluding MoALD, service officers which has its own recruitment policy).
- f. Prepare regular reports to the PCU on Labour and OHS performance.
- g. 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.
- h. Supervise workers adherence to the LMP.

Table 4 Summary of the project staff/entity responsible for various key responsibility

Project Staff entity	Responsibility in implementation of the LMP
Project coordinators	<ul style="list-style-type: none"> • Prepare contract for direct workers and contractors that will address relevant risks. • Oversee the County CPCU on their role' s compliance to LMP in relation to consultants and contractors hired to support project related activities • Assess the risk of serious safety issues by primary suppliers and as needed require them to develop procedures to address these risks, throughout the project cycle • Take lead in assessing impacts and risks related to the FSRP activities and thereof prescribing strategic solutions
Environmental and social officers	<ul style="list-style-type: none"> • Training all staff on the requirements of the LMP • Prepare Code of conduct (CoC) for various categories of workers in the project. • Take lead in assessing impacts and risks related to the FSRP activities and thereof prescribing strategic solutions to Environmental, Social, Health and Safety (ESHS) risks: • Occupational Health and Safety (OHS): assess the risk of serious safety issues by primary suppliers and as needed require them to develop procedures to address these risks • Prepare and monitor Sexual gender-based violence (SEAH) action • Monitor and report on compliance to all the guidelines as provided in the LMP • Develop Grievance Mechanism and monitor grievance resolution at all levels. • Ensure appropriate stakeholder consultation (ESS10). • Supervision of implementation of the OHS plans by contractors; • Monitor all LMP aspects and prepare reports for the World Bank
Site supervisors or managers during small civil works.	<ul style="list-style-type: none"> • Environmental, Social, Health and Safety (ESHS): review and approve, prior to commencement of civil works, the contractor' s Occupational Health and Safety (OHS) management plan and monitor its implementation. • Ensure that Sexual gender-based violence (SEAH) action plan is adhered to by all the firms and agencies will be required to deliver the various supplies e.g. stone and sand collectors, solar panel suppliers

	<ul style="list-style-type: none"> • Ensure that no child or forced labor is allowed.
Contractor Project Manager	<ul style="list-style-type: none"> • Plan to have all workers sign the CoC as required • Ensure adherence to the WBG requirements on Environmental, Social, Health and Safety (ESHS): Occupational Health and Safety (OHS): • Oversee compliance to the Sexual gender-based violence action plan. • Since no contract will allow child and forced labour, make sure strategies are in place to prevent such and keep records as is necessary for all the workers for monitoring • Ensure that firms and agencies required to deliver the various supplies e.g. stone and sand collectors, solar panel suppliers comply to this LMP

41. It is notable that when PCU is fully operational, the LMP protocols developed and to be developed by the Management should clearly assign responsibilities to each of the members for efficiency in oversight. For instance, the Senior Social Development Specialist and Safeguards officers at MoALD in place should oversee the implementation of the GM and ensure appropriate stakeholder consultation (ESS10). Other functions would include:

- a. Raising awareness and training of workers during FSRP activities
- b. Monitoring, supervising, and reporting on health and safety issues relating to FSRP activities and especially those at specific activity sites. Including details of key responsibilities and reporting arrangements against the Project Supervising Team and the main contractor.
- c. Coordinating and reporting arrangements between contractors.
- 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.

The LMP shall inform the following key Documents:

- 42. **Environmental and Social Management Plan (ESMP):** The ESF document prepared prior to project approval by the World Bank identifying the activities to be undertaken, key risks (based on ESIA if available), and their mitigation measures.
- 43. **Contractors Environmental and Social Management Plan (C-ESMP):** the plan prepared by the contractor outlining how they will implement the works activities in accordance with the project’s environmental and social management plan (ESMP). As shown

in Figure c) the C-ESMP also contains a number of management plans, in particular, the OHS Management Plan.

44. **Codes of Conduct:** The Codes of Conduct adopted for the project (or individual companies) covering the commitment of the company, and the responsibilities of managers and individuals with regards to ESHS, OHS and GBV.

4.5 Gaps of Labor Legislation in Kenya and World Bank ESS

The Kenya legal requirements are largely similar to the ESS 2 requirements. In light of this, where the legal requirements are weak, the requirements and provisions of ESS 2 will prevail and will be applied in management of workers in the FSRP project

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p><u>Labour and Working Conditions (ESS2)</u> recognises that the pursuit of economic growth through employment creation and income generation should be balanced with protection for basic rights of workers.</p> <ul style="list-style-type: none"> • ESS2 provides specific requirements on occupation health and safety, expanding upon the World Bank Group’s Environmental, Health and Safety Guidelines. • It introduces labor management procedures. • It requires non-discrimination and equal opportunity. • ESS2 includes provisions on the treatment of direct, contracted, community, and primary supply workers, and government civil servants. • ESS2 recognizes workers’ organizations. It requires a grievance mechanism for all project workers. • ESS2 includes protection of project workers, 	<p><u>Occupational Safety and Health Act (OSHA), 2007;</u></p> <ul style="list-style-type: none"> • Provides for the safety, health and welfare of workers and all persons lawfully present at workplaces. • Provides for the registration of workplaces. • provides for maintenance of cleanliness of workplaces, adequate lighting and ventilation, provision of sanitary conveniences, • Outlines safety requirements in use of machinery to prevent accidents and injuries. <p><u>The Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005</u></p> <p>Rules provide for the maximum noise exposure levels for workers in places of work and for the provision of protective equipment for those exposed to high noise levels.</p>	<p>No significant gaps between ESS 2 and the various national laws.</p> <p>Where there are gaps between ESS2 and legal and regulatory requirements, the ESS 2 requirements will be used to guide project implementation.</p>

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>including vulnerable workers, such as women, and persons with disabilities.</p> <ul style="list-style-type: none"> Prevents the use of all forms of forced labor and child labor <p><i>Working Conditions and Management of Workers Relationship</i> The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS.9. The procedures address the way in</p>	<p>Provide that an occupier shall also institute noise reduction measures at the source of noise in the workplace.</p> <p><u>Environmental Management and Co-ordination (Noise and Excessive Vibration Pollution) (Control) Regulations 2009</u></p> <ul style="list-style-type: none"> Prohibits the generation of unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. Provides for the maximum noise levels permissible in various environmental set ups such as residential areas, places of worship, commercial areas and mixed residential <p><i>Working Conditions and Management of Workers Relationship</i> Kenya’s employment and labour laws workers are guided by clear labor management procedures.</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>which this ESS will apply to different categories of project workers, including direct workers, and the way in which the Borrower will require third parties to manage their workers.</p> <p><i>Non-Discrimination and Equal Opportunity</i> Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The labor management procedures will set out measures to prevent and address harassment, intimidation, and/or exploitation. Where national law is inconsistent with this requirement, the project will seek to carry out project activities in a manner that</p>	<p><i>Non-Discrimination and Equal Opportunity</i> The constitution of Kenya does not allow discrimination of any form and prohibit discrimination on race, sex, ethnicity, religion, and several other criteria, and further the labor laws also provide for equal opportunity and non-discrimination of any form for workers with respect to employment including any form of intimidation or harassment. However, the laws do not explicitly prohibit discrimination based on sexual orientation or gender identity.”</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>is consistent with the requirements to the extent possible. The borrower will take measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women. The principles of non-discrimination apply to migrant workers.</p> <p>Workers Organisation In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference, the project will be implemented in accordance with national law. In such circumstances, the role of legally established workers' organizations and legitimate workers' representatives will be respected, and they will be provided with information needed for meaningful negotiation in a timely manner. Where national law restricts workers' organizations, the project will not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The Borrower should not seek to influence or control these alternative mechanisms. The Borrower will</p>	<p>Workers Organisation Kenya's employment and labour laws fully provide for grievance redress mechanism establishment in all workplaces through freedom to join associations or trade unions and enter into collective bargaining agreements.</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms.</p> <p>The borrower will provide a grievance mechanism for workers (and their organizations, where they exist) to raise workplace concerns and inform the workers of the grievance mechanism at the time of recruitment and make it easily accessible to them.</p> <p>Protecting the Work Force</p> <p>Child Labour and Minimum Age</p> <p>A child under the minimum age will not be employed or engaged in connection with the project. The labor management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.</p> <p>Forced Labor</p> <p>The borrower will not employ forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under</p>	<p>Child Labour and Minimum Age</p> <p>Employment Act, 2007 defines a “child” to mean a person who has not attained the age of eighteen years. This is the same definition in the children Act, 2001 and the Industrial Act. The law does not prohibit employment of children between the ages of 16-18 per se. It prohibits child labour which occurs when certain factors accompany such employment apply.</p> <p>Forced Labor</p> <p>Any form of forced labour, including trafficking, is prohibited by the labour laws.</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. The borrower will not employ trafficked persons.</p> <p>Grievance Mechanisms A grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers.</p> <p>Occupational Health and Safety The borrower to provide a safe and healthy work environment taking into account inherent risks in its particular sector and specific classes of hazards in the work areas. Measures relating to occupational health and safety will be applied to the</p>	<p>Grievance Mechanisms Kenya’s employment and labour laws provide for all workers the freedom and to right to join associations and trade unions where they can air their grievances without fear of victimisation.</p> <p>Occupational Health and Safety The Occupational Safety and Health Act has clear provisions and requirements for ensuring health and safety of workers and stipulate the requirements of the employer with respect to the same.</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>project. The OHS measures will take into account the General Environmental Health and Safety Guidelines (EHSGs) and, as appropriate, the industry specific EHSGs and other Good International Industry Practice (GIIP). The OHS measures applying to the project will be set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP).</p> <p>Contracted Workers The Borrower will make reasonable efforts to ascertain that third parties who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that will allow them to operate in accordance with the requirements of this ESS.</p> <p>Community Workers Projects may include the use of community workers in a number of different circumstances, including where labor is provided by the</p>	<p>Contracted Workers Kenya's employment and labour laws provide for protection of the rights of all categories of workers, including contracted workers.</p> <p>Community Workers Kenyan labour laws do not interfere with agreements made between workers and employers for as long as the agreement is in line with the employment act.</p>	

ESS 2 Requirements	National Laws and Requirements	Gaps and recommendation
<p>community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development, providing a social safety net or providing targeted assistance in fragile and conflict-affected situations. Given the nature and objectives of such projects, the application of all requirements of ESS2 may not be appropriate. In all such circumstances, the Borrower will require measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement.</p> <p>Primary Supply Workers As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor, and serious safety issues which may arise in relation to primary suppliers.</p>	<p>Primary Supply Workers Kenya's labour laws provide and ensure that rights of all categories of workers are protected including workers employed by primary suppliers. Child labour, forced labour and workers safety are considered a criminal offence by the labour and employment laws as well as occupational safety and health legislation.</p>	

5.0 POLICIES AND PROCEDURES

5.1 Occupational health and safety

45. Based on the relevant provisions of the Occupational Safety and Health Act (OHS) 2007, there is need to provide for the safety, health and welfare of workers and all persons lawfully present at workplaces. A sound OHS policy has the following hallmarks:

- Secures safety and health for people legally in all workplaces by minimization of exposure of workers to hazards (gases, fumes and vapours, energies, dangerous machinery/equipment, temperatures, and biological agents) at their workplaces.
- Promotes reporting of work-place accidents, dangerous occurrences and ill health with a view to finding out their causes and preventing of similar occurrences in future.
- Promotes creation of a safety culture at workplaces through education and training in occupational safety and health.

46. As required by ESS2 and the WBG Environmental, Health, and Safety Guidelines, the MoALD will manage the Project in such a way to ensure that all Project workers are properly protected against possible OHS risks. The NPCU E&S team assisted by the county DOSHS officer will ensure that OHS risks associated with project activities are assessed, and that appropriate mitigation measures are developed in site-specific OHS Plans.

47. The key steps in the development of site specific OHS plans include : (i) identify potential project and task-specific hazards to the workers (ii) Determine the safety requirements (iii) formulate measures to address the hazards identified in order of priority which is to be based on assessed risk. (iv) Anticipate and avail resources to deal with emergencies (v) Develop a training plan and train all workers on relevant OHS risks and mitigation measures; (vi) develop a communication and records management system to ensure maintenance of training records and documentation and reporting of occupational accidents and incidents.

48. The project will therefore clearly communicate the health and safety policy; deal with hazards quickly; make health and safety part of culture; and equip employees for health and safety.

5.2 Risk Assessment

49. The procedure and steps to be followed for a risk assessment are, (i) identification of the hazards (an example of the identification process is shown in the figure below); (ii) identify the people who might be harmed and how; (iii) Evaluate the risk and decide on precautions; (iv) Record the significant findings and implement them; and (v) Review and update if necessary. Annex I provides an OSH workplace assessment criterion.

FIELD LEVEL HAZARD ASSESSMENT

Check off the hazards that apply to this job. List the items in the hazard column, indicate the priority ranking and identify the plans to eliminate or control on the other side of this form.

Environmental Hazards	Access/Egress Hazards	Rigging & Hoisting Hazards
<input type="checkbox"/> 1 Work area clean <input type="checkbox"/> 2 Material storage identified <input type="checkbox"/> 3 Dust/mist/fumes <input type="checkbox"/> 4 Noise in area <input type="checkbox"/> 5 Extreme temperatures <input type="checkbox"/> 6 Spill potential <input type="checkbox"/> 7 Waste properly managed <input type="checkbox"/> 8 Excavation permit required <input type="checkbox"/> 9 Other workers in area <input type="checkbox"/> 10 Weather conditions <input type="checkbox"/> 11 MSDS reviewed	<input type="checkbox"/> 19 Aerial lift/man basket (inspected & tagged) <input type="checkbox"/> 20 Scaffold (inspected & tagged) <input type="checkbox"/> 21 Ladders (tied off) <input type="checkbox"/> 22 Slips/trips <input type="checkbox"/> 23 Hoisting (tools, equipment) <input type="checkbox"/> 24 Evacuation (alarms, routes, ph.#) <input type="checkbox"/> 25 Confined/restricted space entry permit required	<input type="checkbox"/> 33 Lift study required <input type="checkbox"/> 34 Proper tools used <input type="checkbox"/> 35 Tools/sling inspected <input type="checkbox"/> 36 Equipment inspected <input type="checkbox"/> 37 Others working overhead/below <input type="checkbox"/> 38 Critical lift permit
Ergonomic Hazards	Overhead Hazards	Electrical Hazards
<input type="checkbox"/> 12 Awkward body position <input type="checkbox"/> 13 Over extension <input type="checkbox"/> 14 Prolonged twisting/repetitive/bending motion <input type="checkbox"/> 15 Working in tight area <input type="checkbox"/> 16 Lift too heavy/awkward to lift <input type="checkbox"/> 17 Hands not in line of sight <input type="checkbox"/> 18 Working above your head	<input type="checkbox"/> 26 Barricades & signs in place <input type="checkbox"/> 27 Hole coverings identified <input type="checkbox"/> 28 Harness/lanyards inspected <input type="checkbox"/> 29 100% tie-off with harness and anchor points identified <input type="checkbox"/> 30 Falling objects <input type="checkbox"/> 31 Power lines <input type="checkbox"/> 32 Hoisting or moving loads overhead	<input type="checkbox"/> 39 GFI Test <input type="checkbox"/> 40 Lighting levels too low <input type="checkbox"/> 41 Working on/near energized equipment <input type="checkbox"/> 42 Electrical cords/tools condition <input type="checkbox"/> 43 Fire extinguisher <input type="checkbox"/> 44 Hot work or electrical permit required
Severity: 1 Imminent Danger – causing deaths, widespread occupational illness, loss of facilities 2 Serious – severe injury/illness, property and/or equipment damage 3 Minor – non-serious injury, illness or damage 4 Not applicable – N/A		Personal Limitations
		<input type="checkbox"/> 45 Procedure not available for task <input type="checkbox"/> 46 Confusing instructions <input type="checkbox"/> 47 No training for task or tools to be used <input type="checkbox"/> 48 First time performing the task
		Probability:
		A Probable – likely to occur immediately or soon B Reasonably Probable – likely to occur eventually C Remote – could occur at some point D Extremely Remote – unlikely to occur
Work to be done:		Date:
Task location:	Muster point:	Permit Job #:
PPE inspected:		

5.3 Child labour

50. The minimum age of project workers in Kenya according to the employment act is set at 18 years and above. The 2010 Kenyan Constitution protects every child from violence and abuse, neglect, harmful cultural practices, and hazardous or exploitative labour. Kenya has also ratified the UN Convention on the Rights of the Child, and the ILO Conventions on Minimum Age of Employment and the Worst Forms of Child Labour. Where the risk is high the Project coordinator should continue engaging the department of gender and social services to have social protection programmes that provide cash transfers to some of the most vulnerable families. This is already happening for drought mitigation activities in the ELRP counties. To prevent the engagement of under-aged labor, all contracts shall have contractual provisions to comply with the national minimum age requirements including penalties for non-compliance in-line with the relevant national laws. The PCU is required to maintain a labor registry of all contracted workers, community workers, and primary supply workers with age verification clearly identified.

5.4 Age at Employment

51. FSRP project activities shall not hire anyone less than 18 years of age for gainful employment. The process of age verification of employees shall be undertaken prior to the engagement of all categories of labour and be documented especially where the risk is high for community workers. The National Identification Card (ID) or Passport will be used as a means of verifying the age. For VMGs/IPs who may not have ID cards and/or passports, verification by a recognized local leader will support those to intent engage them. The prescribed procedures to be used in the recruitment of the workers will include: (i) Above 18 years (ii) have a national identity card (iii) undergo medical checkup with the Ministry of Health (iv) have a Certificate of Good Conduct
52. **Household Level and Child labour:** At the household level, there is potential that beneficiaries may engage children in activities including land cultivation, planting, harvesting, livestock husbandry among others. Children's participation in their own family farm activities helps them learn valuable skills and contribute to the generation of household income, which has a positive impact on their livelihoods. Such participation is important for children and builds their self-esteem. However, to prevent and mitigate child labour at household level because of the FSRP, awareness creation and sensitization will be undertaken by the project on the distinction between child labour and child work including a clear elaboration on implication of child labour on the part of the households found to have subjected children to forced labour.

5.6 Labor influx

53. To minimize labor influx, the project will contractually require the contractors to preferentially recruit labor from the local communities and nearby areas. All contracted workers will be required to sign the Code of Conduct prior to the commencement of work, which includes a provision to address the risk of GBV and SEA.

5.7 Labor disputes over terms and conditions of employment:

54. To avoid labor disputes, fair terms and conditions about written agreements with clear terms and conditions, as opposed to verbal agreements will be applied for project workers. The project will also have GRMs for project workers to promptly address their workplace grievances. Further, the project will respect the workers' rights of labor unions and freedom of association, as set out in the Employment Act 2007.

5.8 Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7

55. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training.

5.9 Security risks

56. Some of the counties could experience security issues and so the NPCU and CPCU will therefore implement Security Management Plans separately prepared for the FSRP project, and work closely with the Ministry of Interior and Coordination of National Government to ensure the security of the workers and the facilities involved are responsive. The security workers or those providing security (Both private and national police service to be involved in the project activities will be sensitized and trained on GBV/SEA/SH requirements.

5.10 Gender-based violence (GBV) and sexual exploitation and abuse (SEAH)

57. Given the implementation context, sexual harassment, exploitation, and abuse of co-workers is a likely risk. Thus, all staff and contracted workers shall sign the code of conduct outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions. The Ministry will identify and recruit a qualified trainer/consultant to offer training in GBV and SEA. According to para 14 of the good practice notes in order GBV for one to understand if an act of violence is an act of GBV, one should consider whether the act reflects and/or reinforces unequal power relations between males and females

5.11 Terms and Conditions of Employment

58. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The Employment Act 2007 broadly addresses other issues including the minimum, statutory requirement of 18 years and above for any employment arrangement in Part III on Employment Relationship. By law, the employee is entitled to pertinent employment information and documentation pursuant to Section 14 on Reasonably Accessible Document or Collective Agreement. Part IV of the Act addresses itself on the Protection of Wages seeks to outline the minimum standards required of all salary policies. The law has expressly restricted the employer's ability to interfere with how the employees dispose of their earnings. Part V focuses on the Rights and Duties in Employment and outlines the employees' entitlements and the employers' responsibilities. Indeed, the provisions of this Part expressly "constitute basic minimum terms and conditions of the contract of service".

59. Hours of work are lawfully the employer's prerogative; however, there must be a weekly rest day(s). The Act also covers matters of leave for employees. Part VI of the Act addresses the Termination and Dismissal matters and outlines how employers and employees may terminate their contractual arrangements lawfully. The party seeking to terminate the employment contract may make a payment in lieu of notice or the employer may simply waive the employee's obligation to make payment in lieu of notice. Where the contractual arrangement ends based on alleged employee wrongdoing; then there ought to be due process for the employee to defend his/her case and challenge the allegations. The employer is obligated to show justifiable cause for dismissal and the proof thereof. If the cause is sufficiently grievous to

meet the threshold for summary dismissal; the employer may exercise the option to terminate the employee summarily following due process. The Act further obligates employers to make timely payments of separation and severance- all accrued salary/wages, allowances and benefits, pension and pension contributions and any other employee entitlements will be paid on or before termination of the working relationship.

57. For the FSRP project, the various provisions that will inform all management of workers include:

Contracted workers: The Employment Act and associated public service regulations are the guiding legislation on employment terms and conditions for contracted workers. The MoALD shall therefore follow the provisions related to labor engagements and management.

Minimum Wages: The official minimum wage will be governed by the provisions of the Salaries and Remuneration Commission (SRC) where the minimum monthly gazetted wage of all contracted workers is Kshs **15,201.65** and every effort should be made to ensure that contractors follow the guidelines as provided by the ministry of labour on minimum wages and ensure that contractors do not underpay and overwork their workers especially those on temporary and causal terms.

Hours of Work: The normal hours of work of a project work shall not exceed 8 hours a day. Hours worked in excess of the normal hours shall be entitled to relevant allowances like overtime allowances and safe travel facilitator.

Rest per week: Every worker shall be entitled to one rest day per week. Workers shall also be entitled to rest on public holidays recognized as such by the Republic of Kenya.

Annual leave: According to section 28 of the Kenyan employment Act clause 7, 8, and 9 Workers (apart from consultants and temporary workers) shall be entitled to 21 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.

Maternity and Paternity leaves: According to section 29 of the constitution of Kenya, female workers are entitled to fully paid three months' maternity leave while male workers get 14 days paternity leave. Additionally, maternity or paternity leave does not take away the employees' entitlement to annual leave according to section 28.

Deductions from remuneration: No deductions other than those prescribed in labor laws shall be 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. The employer shall not demand or accept from workers

any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

Death benefit: In case of death of a worker during their contract of employment, the employer shall pay to their remuneration as death benefits in line with the provisions of the relevant laws and any other as guided by WBG ESS2.

Medical treatment of injured and sick workers: Contract workers shall at a minimum be expected to be enrolled on WIBA-compliant insurance by the contractors. Appointed contractors will be required to maintain a valid WIBA compliant insurance cover throughout their contract duration, and insurance for third-party liability. All other workers will continue to benefit from medical insurance as arranged by their respective employers. Direct workers who are mainly civil servants and temporary workers have a contributory national hospital insurance fund.

6.0 CONTRACTOR MANAGEMENT PROCEDURES

58. Each contractor engaged by the Project to provide services (such as construction of water pans, sand dams, small scale irrigation canals, market centers, Spot repairs etc.) will be expected to adopt the protective measures outlined in this document. The contracts drawn by the Government will include provisions, measures, and procedures to be put in place by the contractors to manage and monitor relevant OHS issues. Measures required of Contractors will include:

- i. As part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g., certifications, previous experience),
- ii. Specific procedures relating to the workplace and the conduct of the work (e.g., creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present),
- iii. Specific procedures and measures dealing with specific risks. For example, Infection Prevention and Control (IPC) strategies and MoH SOPs.

59. Contractors will be required to identify focal points and communication channels (for example, WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis and ensure that such channels are adequately resourced (for example, 24-hour staffing of the emergency response call line). Workers shall not be victimized in any way for reporting a grievance.

7.0 PRIMARY SUPPLY WORKERS

60. Selection of primary suppliers will be done by contractors in consultation with the CPCU who have county representation in the CPCU who form the key procurement entity. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labour/force labour and serious safety risks. The NPCU will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. The project will be

required to include specific requirements on child labour, forced labour and work safety issues in all purchase orders and contracts with primary suppliers. The NPCU will, as part of its monitoring, include indicators for assessing the functions of primary supply workers. This LMP requires that, under the NPCU MoALD, any contracted entity to primary supplier maintains records related to ensuring procedures and that the identified mitigation measures are adhered to.

8.0 COMMUNITY WORKERS

61. The project will use community workers who will be engaged by the SACCOs, FPOs and CDDCs for farm level community-based activities. There will be two types of community workers: (i) community workers that will provide labour as in kind contribution to the sub-projects to ensure ownership and sustainability; and (ii) youths employed under the multi-community investment window that will work in restoration of degraded lands, construction of water pans and other water storage structures, establishment of small-scale irrigation canals, and other sustainable land management activities, the latter group of community workers will be remunerated as per the National laws and will sign code of conduct.
62. The potential subprojects and number of community workers have not been identified. For unremunerated community workers, documentation will be undertaken including signed forms on voluntary participation; 2) working conditions particularly OHS; and 3) no disadvantage to those who are not able to participate (elderly, DAPs, women, etc.). The project will have a standardized and comprehensive community agreement (in cases where the community is contributing voluntarily) to ensure that there is no risk of any negative impact on the community. Similarly, the project will also have standardized terms of engagement when the community will be paid for their labour. FSRP will capture the potential risks for both the above types of engagement of community labour. The project will endeavor to ensure that there are no negative impacts.
 - FSRP will formulate mechanisms to address child labour, forced labour, hazardous work, the roles and responsibilities for monitoring of community workers, and the grievance mechanism in the LMP, amongst various communities. The department of labour will provide guidance to the County teams to ensure that any community work is undertaken according to the labour laws in Kenya.
 - Potential security risks will also be identified, analyzed and the necessary measures taken to reduce chances of occurrence and mitigation of negative impacts.
 - The issues to be addressed during community consultations and elections of community workers who will voluntarily work guided by the chief and FSRP staff include:
 - i. Compliance with applicable laws, rules, and regulations of the jurisdiction;
 - ii. Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment;
 - iii. The use of illegal substances (such as alcohol and narcotics during working hours); iv. Non-Discrimination (e.g. on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction);

- iv. Interactions with community members (e.g. to convey an attitude of respect and non-discrimination);
- v. Sexual harassment (e.g. to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate);
- vi. Violence or exploitation (e.g. the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior);
- vii. Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas);
- viii. Sanitation requirements (e.g., to ensure workers use specified sanitary facilities provided by their employer and not open areas);
- ix. Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection);
- x. Respecting reasonable work instructions (including regarding environmental and social norms);
- xi. Protection and proper use of property (e.g., to prohibit theft, carelessness or waste);
- xii. Duty to report violations of this Code; and
- xiii. No retaliation against workers who report violations of the Code, if that report is made in good faith.

9.0 GRIEVANCE MECHANISM FOR LABOUR RELATED ISSUES

9.1 General Principles

63. Typical work place grievances include demand for employment opportunities; labor wage rates; delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. Although GBV occurs in workplaces, it is not always reported for fear of victimization. Therefore, a separate grievance structure will be established for project workers, as required in ESS2.
64. The workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers including providing the name and telephone contacts of the GRM focal point at the workplace. Communication could also be done by email (the email address will also be shared) and in-person reports. Handling of grievances will be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The mechanism will also allow for anonymous

complaints to be raised and addressed through providing options for people reporting a grievance to not mention their names, positions, or workstation. Individuals who submit their complaints or grievances may request that their names be kept confidential and this must be respected.

9.2 Direct workers

65. These will mainly be government employees at the MoALD and County CPCU. The staff will utilize the current grievance system set up by the public service to address workers' grievances (Public Service Commission, 2016). Each unit engaging direct workers (national, PCU and CPCU) will hold periodic team meetings to discuss any general workplace concerns. The grievances raised by workers will be recorded and requisite actions taken. The summary of grievances will be reported to the World Bank as part of regular project reporting.
66. For individual grievances, the Public Service Commission (PSC) provides for a process that guides how these are addressed, thus: "PSC of Kenya advocates settling of a grievance as quickly as possible to its point of origin and encourages staff and their superiors/managers to resolve grievances informally." However, the following three (3) stages are set to address the situations where this is not possible. A Grievance Form (PSC GF) has been designed for ease of application of the procedure. An officer who has any grievance or complaint should raise it with his/her Head of Department in writing by completing the Grievance Form (attached in Annex 2).
67. The Head of the Department will give an answer as soon as possible and within a maximum of seven (7) working days; ii. If the matter is unresolved at stage II the aggrieved officer can appeal in writing to the Senior Deputy Secretary, Administration. The Senior Deputy Secretary Administration will at his/her discretion arrange a personal interview with the aggrieved officer and will give a written reply to the latter within fourteen (14) working days; and iii. It is expected that most of the cases will be solved at Stage II but in exceptional circumstances where this is not possible and the matter remains unresolved, the aggrieved officer may present it in writing to the Secretary, Public Service Commission who will handle the matter and give a written reply within a further fourteen (14) working days.
68. **National appeal process.** The labor laws provide for the national appeals process that could be utilized by any aggrieved staff if they consider the process established by the project to be ineffective and/or unfair. The grievance mechanism will therefore not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

9.3 Contractual workers

69. Among other things, the contractors as well as sub-contractors' workers' grievance mechanism will include Formal channels for submission and receipt of grievances, such as comment/complaint form, suggestion boxes, email, toll free telephone hotline, face to face

communication; Stipulated timeframes to respond to grievances; Register and procedures to record and track the timely resolution of grievances; Responsible focal person to receive, record and track resolution of grievances, and to communicate with workers who submit grievances.

70. The FSRP SACCOs, FPO, or subproject site supervision/Manager/ Consultant will monitor to ensure proper recording and resolution of grievances, and report a summary on a monthly basis. The contractor/ sub-contractor will assign a focal person to oversee and implement the grievance redress mechanism, overseen by the site project engineer. The workers' grievance mechanism will be described in staff induction training, which will be provided to all project workers, and proper explanation done orally on what the CoC contains before the Worker's Code of Conduct is signed. The contractor will be required to prove that each employee has been inducted and signed that they have been inducted on the GRM procedure.

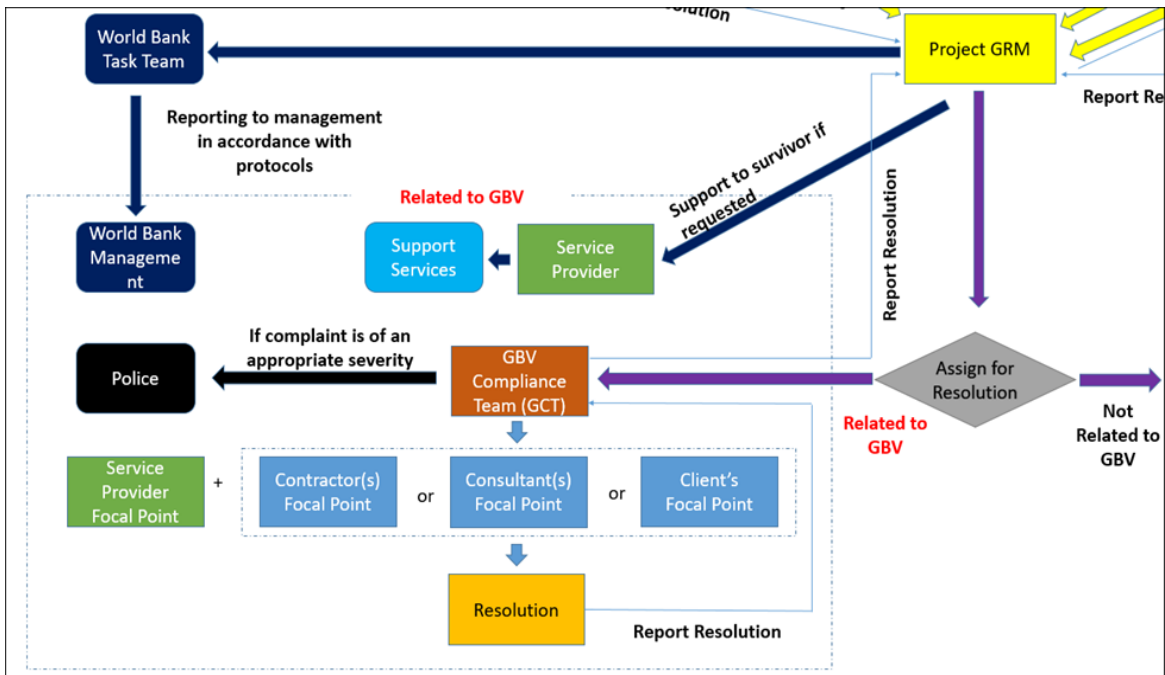
71. Furthermore, as part of contractor's human resources policies, there should be a separate procedure for workers to report cases of sexual harassment and procedures to address these kinds of cases as prescribed in the SEAH/GBV action plan.

72. The mechanism will be based on the following principles:

- a) The process will be transparent and allow workers to express their concerns and file grievances;
- b) There will be no discrimination against those who express grievances;
- c) Grievances will be treated confidentially, except anonymous ones;
- d) Anonymous grievances will be treated equally as other grievances, whose origin is known;
- e) Workers will be informed of how their grievances are resolved;
- f) Resolution of anonymous grievances will be announced to the wider workforce; and
- g) Management will treat grievances seriously and take timely and appropriate action in response.

73. 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 other means as needed.

74. Figure 1; Below shows stepwise procedure for management of GBV cases.



75. LMP requires that, under the MoALD, any primary supplier maintains records related to ensuring procedures and that the identified mitigation measures are adhered to.

10.0 MONITORING AND EVALUATION

76. The PCU shall report on the status of implementation of the above policies and procedures on 6 monthly and annual basis to the World Bank . The PCU will however closely monitor on a continual basis, labor and OHS performance of the project.

10.1 Fatality and serious incidents

77. The Occupational Safety and Health Act (OSHA) 2007 provides for the reporting of any accident, dangerous occurrence or occupational poisoning caused in the workplace to the area Occupational Health and Safety Office. These incidents should be entered in the General Register. In case of fatal accident information to the area Safety and Health Office should be within 24 hrs. and a written notice to the same within 7 days.

78. In addition to fulfilling the requirement of OSHA, 2007, all reportable incidents outlined in the ESIRT¹ Annex I – Reportable Incidents, shall be reported to the World Bank in the prescribed format.

¹ Environmental and Social Incident Response Toolkit for World Bank Staff, March 2023

10.2 GBV/SEAH incidents

79. The FSRP will abide to the provisions of the SEAH GM as provided for in the SEAH action plan and related ESF documents including the ESMF and SEP. The GBV expert and third-party monitoring will provide further guidance on the handling of SEAH/GBV incidents and the available services including confidential appropriate medical and psychological support, emergency accommodation, and any other necessary services as appropriate including legal assistance.

11.0 BUDGET FOR THE IMPLEMENTATION OF THE LMP

The overall coordination and implementation of the FSRP components will be led by the Project coordinator (PS) responsible FSRP at the MoALD who has the primary responsibility for efficient and effective implementation of the components for achievement of the stated FSRP objectives. The PCU will provide leadership in priority actions for capacity building activities parameters for the review and monitoring of social risks in the FSRP sub- projects across the thirteen counties, identification and management of challenges and risks. The summary budget is as below

Labor Management Activities	Q-ty/per years	Unit Cost, USD	Total cost (USD)	Observations
Development of the protocols (OHS at the workplace, CoC, etc.) including workshop for finalization	4	5,000	20,000	These should be done during year one of the project
Training on OHS guidelines	8	5,000	40,000	Ensure all contractors are fully trained on OHS guidelines on both WBG and Country guidelines
Training (contract management, CoC, Grievance management, GBV, etc.) for SRMU and counties	2	20,000	40,000	To be conducted in the first 6 months of the project
Cost of managing the workers GRM	12	4,000	48,000	The costs will include supporting the development of the GM and implementation
Monitoring and evaluation by PCU, PIU teams	12	3,000	36,000	This will be the cost of setting up the system, monitoring, documenting and reporting
Sub-total			204,000	
Contingency (10%)			20,400	To cater for unforeseen costs that might emerge
Total			224,400	Estimated total cost

ANNEXES

Annex I: Workers Health and safety Impacts and OHS risk assessment

The following is a list of project activities that could potentially impact the health and safety of workers and the neighboring community

- Delivery of construction materials and equipment
- Site clearing, site preparation, and mobilization.
- Establishment of laydown area
- Construction of foundations and substructures
- Excavation works
- Painting work

Potential safety impacts associated with the proposed project include.

- Fire hazards
- Excavation hazards
- Lifting operations hazards
- Exposure to Hazardous material ie paints
- Expose to excess noise
- Physical injuries
- Working at height hazards

Table 0-1: Assessment of impacts on social pathologies, including HIV/AIDS

Mitigation Status	Extent	Duration	Magnitude	Probability
Without mitigation	Localized	Short	High	Probable
	1	2	8	3
Result: (-33) Medium negative				
Mitigation measures	<ul style="list-style-type: none"> • The proponent will engage a contractor with a reputable experience in construction works • The contractor will be required to have a Health and safety policy, proof of compliance to applicable EHS regulations, health and safety programs, well-structured health and safety organization, evidence of training and competency of the workers and comprehensive and site-specific ERP among others. 			

	<ul style="list-style-type: none"> • The contractor shall meet all the requirements of OSHA 2007 for a construction site which include • Registration of the workplace, • Continuous risk assessment to be undertaken and report submitted to DOSHS Mombasa, • Appointing a qualified site safety supervisor, • Developing of traffic management plan, use of the approved safety signs, • Valid insurance cover for the workers, inspection of the pressurized and lifting equipment by DOSHS accredited personnel, • Health and safety training, sufficient first aid boxes and trained first aiders, • Provide workers with sufficient and appropriate PPEs, • Training for machine operators and submission of architectural drawings to DOSHS for approval. 			
Mitigation Status	Extent	Duration	Magnitude	Probability
With mitigation	Study area	Short	Minor	Improbable
	3	2	2	2
Result: (-12) Low negative				

Impacts on community health and safety

Although there are other ongoing projects in the area, the construction of the proposed project could potentially lead to the following health and safety issues to the workers and community

- Exposure to excess Noise
- Exposure to dust from cement and excavation works
- Exposure to open trenches
- Injuries from use of hand tools

Impacts on surface water and water resources

The proposed project site is located approximately 500m from a seasonal stream that drains eastward towards Athi Rivers that are highly utilized downstream. Construction will involve use of chemicals like cement, paints, lead oxide which if not well managed these chemicals and their packaging waste could end up in the seasonal stream and cause water pollution. Additionally, presence of workers will require adequate sanitary facilities to avoid human waste at the site which could potentially pollute surface water.

It is estimated that the construction process will require water for mixing of concrete, mortar, and cleaning. It is envisaged that the required water will not affect the water supply in the area.

Poor management of spoil could lead to soil erosion and sedimentation of the stream nearby.

Table 0-2: Assessment of impacts on surface water and water resources

Mitigation Status	Extent	Duration	Magnitude	Probability
Without mitigation	Study area	Short	Low	low
	2	2	4	6
Result: (-48) Low negative				
Mitigation measures	<p>Comments/Mitigation:</p> <ul style="list-style-type: none"> • The Project Contractor will develop and implement a waste management plan for proper management of all types of wastes in order to prevent contamination of surface or groundwater. • All the vegetation and removed black cotton soil must be disposed in approved dumping sites withing Thika. • Contractor will develop and implement an initiative to conserve water during construction. • The contractor will provide sufficient male and female mobile toilets during construction. The toilet shall be well cleaned and a licensed waste handler will be contracted to deal with the sanitary waste. • There will be no storage of fuel and servicing of the equipment at the site during construction. • The contractors will adherence to existing laws and regulations including <ul style="list-style-type: none"> ○ LN 120 Environment Management and Coordination (Water Quality) Regulation ○ L.N 121 Environment Management And Coordination (Waste Management) Regulations 			
Mitigation Status	Extent	Duration	Magnitude	Probability
With mitigation	Study area	Short	Minor	Improbable
	2	2	2	2

	Result: (-12) Low negative
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Impacts on Air Quality

Construction of the proposed project could lead to additional generation of dust from site clearing activities, excavation, and use of concrete

Table 0-3: Assessment of Impacts on Air Quality Impacts

Mitigation Status	Extent	Duration	Magnitude	Probability
Without mitigation	Study area	Short	Minor	Highly probable
	2	2	2	4
	Result: (-24) Low negative			
Mitigation measures	Comments/Mitigation: <ul style="list-style-type: none"> • The Project Contractor will use dust suppression methods such as periodic watering of the construction areas to minimize generation of dust. • Implementing low speed limit for the trucks accessing the site • Use of well-maintained equipment to minimize the emissions during construction. • Use of appropriate PPEs during painting • Adherence to existing laws and regulations including <ul style="list-style-type: none"> ○ L.N 34 Environment Management And Coordination(Air Quality) Regulations 2014 			
Mitigation Status	Extent	Duration	Magnitude	Probability
With mitigation	Study area	Short	Small	Probable
	2	2	0	3
	Result: (-12) Low negative			

Impacts on Noise

The area has minimal noise levels and the main source of noise includes vehicles passing and other construction works. Construction activities such excavation using equipment, rock cutting, and

delivery of materials by trucks are likely to add more noise to the existing low noise levels. However, the additional noise will be insignificant.

Table 0-4: Assessment of Impacts on Noise

Mitigation Status	Extent	Duration	Magnitude	Probability
Without mitigation	Study area	Short	Low	probable
	2	2	2	3
	Result: (-18) low negative			
Mitigation measures	Comments/Mitigation: <ul style="list-style-type: none"> • All loud and sudden noises will be avoided wherever possible and fixed noise sources shall be located at least 50m away from the site boundary. • The Project Contractor will limit the construction times preferably to daylight hours and only in exceptional cases will they work beyond daylight hours • The personnel involved in high noise generating activities shall be provided with personal protective devices to minimize their exposure to high noise levels. 			
Mitigation Status	Extent	Duration	Magnitude	Probability
With mitigation	Study area	Short	small	Probable
	2	2	0	3
	Result: (-12) Low negative			

Negative Impacts- Operational phase

Waste management impacts

A range of waste will be generated during the operation of the proposed project including

Food waste from kitchen

Packaging materials

Gray and Black water from bathroom and toilets

Soapy water from laundry areas and cleaning activities

General maintenance waste

Poor management of the above waste could lead to soil, water and air pollution which could result to diseases outbreak.

Table 0-5: Assessment of waste management Impacts

Enhancement Status	Extent	Duration	Magnitude	Probability
Without Mitigation	Study area	long term	moderate	Highly Probable
	2	4	6	4
	Result: (-48) Medium Negative			
Mitigation measures	<ul style="list-style-type: none"> • Proponent to have waste collection point and should ensure segregation waste • Proponent to engage a NEMA licensed waste handler • The project should be connected to the sewer line • The proponent should develop and implement waste management plan 			
Enhancement Status	Extent	Duration	Magnitude	Probability
With enhancement	Study area	long term	Minor	improbable
	2	4	2	2
	Result: (-16) low Negative			

Security, Health and safety

Security, Health and safety issues likely to occur during the operational phase of the proposed project include

- Fire emergency
- Electrocutation
- Water contamination issues
- Insecurity
- Collapsing of the building
- Traffic accidents at the car park area
- Illnesses from poor management of waste
- Illnesses from poor ventilation of the units and dampness

Table 0-6: Assessment of security, health, and safety impacts

Enhancement Status	Extent	Duration	Magnitude	Probability
Without Mitigation	Localized	long term	moderate	Highly Probable
	1	4	6	4
Result: (-44) Medium Negative				
Mitigation measures	<ul style="list-style-type: none"> • The proposed project was designed by a qualified and registered architect and engineer and the building plans will be approved by the planning department of Kiambu County. • Construction and utility installation will be supervised by a qualified and registered engineer and will use the approved construction materials including electrical fittings • The building will have a fire exit, fire action plan, will not be joined to other buildings, will have basic firefighting fittings and will have water stored in the underground water tank that can be used for fire fighting • Water will be sourced from RUJWASCO and approved boreholes • The parking area will be well marked, will have sufficient turning area , children play area and walkway will be located away from the vehicle exit/entry. 			
Enhancement Status	Extent	Duration	Magnitude	Probability
With enhancement	Localized	long term	Minor	improbable
	1	4	2	2
Result: (-14) low Negative				

Annex 2. Terms and Conditions for Employment

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. Below is the list of relevant provisions of the Employment Act, 2007 and ESS 2 (WBG) mainstreamed to MoALD Human Resources Manual regarding terms and conditions of work.

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.

1) 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.

2) 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 Human Resources Manual, meeting the minimum wages for any category of workers,
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.

3) Weekly rest

Every worker shall be entitled to one day's rest each week, which should normally fall on Friday/ Saturday or Sunday depending on workers faith. 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.

4) Annual leave (Employment Act, 2007)

Workers shall be entitled to 30days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year.

5) 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.

6) 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.

7) 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.

8) 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 MoALD Human Resources manual.

1.9 Information Disclosure

FSRP LMP, ESMFs and respective plans shall be publicly disclosed in-country on the MoALD Website. Subsequently, site specific implementation plans prepared shall be reviewed and approved by the World Bank and then disclosed appropriately where the target communities and stakeholders will adequately access this information including the use of ICT platforms in line with the Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings.

Annex 3: Individual Code of Conduct

Implementing ESHS and OHS Standards Preventing Gender Based Violence

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 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 wear my personal protective equipment (PPE) at all times 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 the OHS Management Plan.
6. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
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 consent² by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (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.

With regard to 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.

² **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 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.

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.
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.

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 4: 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. 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 will ensure that all persons 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 impair faculties at all times.
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.

Gender Based Violence

13. 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.
14. 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.
15. 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.
16. 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.
17. The use of prostitution in any form at any time is strictly prohibited.
18. 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.
19. Unless there is full consent³ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered "non-consensual" within the scope of this Code.
20. In addition to company sanctions, legal prosecution of those who commit acts of GBV will be pursued if appropriate.
21. 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.

³ **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 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.

22. 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:

23. 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'.
24. 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.
25. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
26. 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.
27. 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.
28. 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).
29. Ensuring that the company effectively implements the agreed final GBV Action Plan, providing feedback to the GCT for improvements and updates as appropriate.
30. 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.
31. 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.

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 5 Public Participation and Consultation Presentations

Refer to the FSRP ESMF section on this