

IN: Manipur Infotech eEnabled Development Project *Labour Management Procedures*

February 2023

A. OVERVIEW OF LABOR USE ON THE PROJECT

The project will be implemented by the Cyber Corporation of Manipur Limited (CCML) under the Department of IT (DOIT), Government of Manipur (GoM). The project will be managed by the PMT embedded within CCML. The Managing Director of CCML, a position currently held by the Director of IT for the GoM, will serve as the Project Director with overall responsibility to implement the Project.

Type of Workers

The project is expected to involve Direct Workers, Contracted Workers and Primary Suppliers.

Direct Workers: will comprise project staff hired by the CCML, as per requirement. These employees will be recruited as per the employment norms set by the government and conforming to prevailing employment regulations and labour laws in Manipur. The PMT will also recruit consultants and support staff to work on contractual basis. The terms and conditions of these consultancy contracts will be market based but will be guided by the prevailing labour laws, including those related to conditions of work and wage payment.

Contracted Workers: site specific contracted workers will be employed as deemed appropriate by contractors and sub-contractors under the project as project activities involve minor construction, refurbishment and installation works.

The civil work will be undertaken by the civil contractor/ sub-contractor for extension of fibre optic cables along the RoW, upgradation of sub-stations and extension of power lines and other works like refurbishment of state data centre, conveyance of wastewater through channels, storm water drainage upgradation, and construction of internal roads within the IT park. Contractors will require small number of labor, given the limited scale of civil worksexpected under the project.

Primary Suppliers: The project may require the use of primary suppliersforthe equipment and materials needed for minor civil works. The primary supply worker related provisions of ESS2 would apply to those primary supplierswith whom the project will have a significant and ongoing relationship with.

B. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The limitedlabor risks of the project are associated with the construction and upgrading of broadband infrastructures services. These risks comprise:

Occupational health and safety (OHS) risks: expected risks relate to potential for injury, falling from heights, impact of e-waste, poor or unfair working conditions and lack of personal protective equipment (PPE) or poor awareness about safety and entitlements. Monitoring of compliances, awareness raising and training on OHS will be provided to workers prior to commencement of work, consistent with the national/state laws and World Bank Health and Safety (EHS) Guidelines.

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Labor influx: Whilst some construction upgrading works such as state data centre, towers, broadband networks infrastructures or work in relation to technology upgrading may require technical expertise from outside, it is expected that given the small scale of civil works, and that priority will be to hire local labour, hence, risks associated with labour influx for this project are small.

Child & Forced labour: Based on expected project activities and the sector of work, the risk of child or forced labour is not significant. However, the project will put in place mitigation measures to prevent and prohibited child and forced labour in accordance with Indian laws. Workers below the age of 18 will not be hired to work in subprojects. To confirm that workers are below the age of 18 years, workers will need to provide legally recognized documents such as Aadhaar or Birth Certificate.

SEA/SH: Given that the project is expected to use mostly local labor, SEA/SH related risks are low. Contractors will be required to ensure all workers (including those of sub-contractors) sign a code of conduct (CoC) to mitigate the risks of SEA/SH, and workers receive awareness training on SEA/SH related issues. There are some risks associated with community health such as exposure of communities and beneficiaries to communicable diseases, and SEA/SH, however, these will be addressed through appropriate mitigation measures.

C. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The guidance on the terms and conditions of employment/ engagement for all categories of workers is presented below:

Type of Worker	Terms and Condition
Direct Workers at the PMT/ CCML	The direct workers are governed by the employment terms and condition, as defined by the PMT in the Terms of Reference and contracts of the consultant hired for the PMT. These will include technical experts and support staff hired from the market based on existing norms. The project will ensure that all direct workers have clear contracts and conditions of work, including terms of employment, wages, and entitlements, working hours, leave and benefits, mechanisms for handling grievances based on requirements under ESS2 and national/state labour laws.
Contracted workers	These will include construction and civil workers, their supervisors and managers hired by civil contractors and other third parties, like the Project Management Consultant (PMC) hired to service the project's core functions. Contracted workers will predominantly be from within the state and very few are expected to be migrants. These will be governed by all ESS2 requirements and applicable labour laws, including 'The Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996' and its Rules, 1998'.
Primary Supply Workers	MIND will need procurement of equipment and materials from suppliers for civil works. The primary suppliers of construction material to the project will be oriented to ensure that they don't engage child, forced or bonded labour and apply all measures to ensure workers safety, in line with provisions of ESS2.
Community Workers	The project is not expected to engage any community workers.

D. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The key occupational health and safety guidelines specific to dealing with construction workers is provided in the Building and Other Construction Workers (Regulation of Employment and Condition of Services) Central Rules, 1998.

E. RESPONSIBLE STAFF

The overall responsibility of LMP implementation rests with the PMT at the CCML. The Social Specialist and Environmental Specialist at the PMT will oversee the LMP implementation. The PMT will be supported by the environmental and social experts appointed by the Project Management Consultants (PMC). Both the PMT and PMC will be responsible for the following:

- Ensure that civil works contractors comply with these labor management procedures, and also adhere to occupational health and safety measures.
- Ensure the responsibilities of the contractors are developed in line with the provisions of this LMP and the project's ESMP.
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted (and sub-contracted) workers, including implementation of labor management procedures.
- Monitor and implement training on LMP and OHS for project workers.
- Ensure that the grievance redress mechanism for the project is established and implemented and workers are informed of its purpose and how to use it.
- Have a system for regular monitoring and reporting on labor and occupational health and safety performance.
- Monitor implementation of the Workers' Code of Conduct.

The Contractors will be responsible for the following:

- Complying with the requirements of the national and state legislations, labor management procedures, including those by their sub-contractors.
- Maintaining records of recruitment and employment process of contracted workers,
- Clearly communicating the job description and employment conditions to the workers.
- Having a system for regular review and reporting on labor, and ESHS performance.

The standard clauses for inclusion in civil works contracts include (but not limited to):

- The general obligations of the contractor with respect to maintaining the health and safety of the workers
- Ensuring no child labor and/or forced-bonded labor for any works
- Equal pay/wage for men and women labors, including registration and insurance
- All laborers engaged at construction site to be provided with the required Personal Protection Equipment (PPE), regular health check-ups, adequate barricading with safety signages.
- Providing health and safety training/orientation on to all workers and staffs
- Steps necessary to prevent worker harassment or discrimination, including sexual harassment, gender-based violence
- Basic facilities at worksites
- Establishing Grievance Redress Mechanism (GRM) for workers for any complaint/grievance received from workers, and ensuring workers' awareness about GRM.

F. POLICIES AND PROCEDURES

Minor incidents will be reported directly to PMT monthly and will be reflected in quarterly reports, and serious accidents and incidents will be reported immediately and will be flagged to the World Bank within stipulated timeframe in the ESCP. Given that most labour related risks and impacts results from actions of contractors, mitigation measures will be largely implemented by contractors. Therefore, ensuring that contactors implement mitigation measures is a key activity of PMT and PMC. The PMT will incorporate General and Specific Conditions into bidding documents and contracts, including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware of their obligations and are contractually obligated to comply with them. The PMC will enforce compliance with these clauses at the ground level. The PMT will ensure that the authorities and PMC are responsible for OHS at the subproject sites supervises and monitors the adherence of workers to ESHS provisions. If found relevant provision for E&S performance security will also be kept ensuring compliance with the measures outlined in the LMP, ESHS guidelines and the contract provisions related to LMP. This includes identifying hazards and the appropriate mitigation measures; investigating causes of workplace accidents; inspect the workplace, including machinery and materials, to ensure the safety of workers.

Sexual exploitation and abuse and sexual harassment (SEA/SH)

Whilst labour influx is not expected, contractors will need to maintain labour relations with other workers and local communities through a Code of Conduct (CoC). The CoC will commit all persons engaged by the contractor, including sub-contractors, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including termination or even revoking of the contract. The CoC should be written in plain language and signed by each worker. A copy of the CoC will be displayed in a location easily accessible to the community in the local language. Workers will also receive awareness training on SEA/SH-related issues. The project's GRM will also include a channel to allow SEA/SH-related grievances to be received and addressed. SEA/SH related processes will be overseen by the social development specialist within the PMT and monitored on the ground by the Environmental and Social experts within the PMC. (See Annex 1)

G. AGE OF EMPLOYMENT

In accordance with the Constitution of India, no child below the age of fourteen years shall be engaged in any hazardous employment. Employment of child under 14 years of age will be strictly prohibited. Contractors will be required to verify and identify the minimum age of all workers through government identification documents, like birth certificate, ration card, Aadhar card and other national identification cards, passport and if in doubt clinical, anthropometric measurements will be taken to ascertain their age.

H. TERMS AND CONDITIONS OF EMPLOYMENT

The terms of employment of the direct project workers will be as per prevailing market rates based on expertise and experience. It would be ensured that all direct workers are provided clear terms of reference and contracts outlining their roles, responsibilities, and conditions of work and in all cases the principles of non-discrimination and equal opportunity apply.

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The terms of employment of the contracted workers will be based on the terms of contract governed by 'The Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996' and other labour laws and provisions of ESS2 for contracted workers as mentioned above.

I. GRIEVANCE MECHANISM FOR LABOR ENGAGED IN CONSTRUCTION WORK

The main objective of a Grievance Redress Mechanism (GRM) is to assist to resolve complaints and grievances in a timely, effective, and efficient manner that satisfies all parties involved. Construction-site specific Grievance Mechanism to be setup by the contractor/ sub-contractor. It shall include site specific grievance focal person (GFP) assigned by the Contractor who will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing them. If the issue cannot be resolved at contractor's level within 7 working days, then it will be escalated to the Principal Employer. The work of the GFP will be closely monitored by the PMC and periodically reviewed by the assigned focal point in the PMT.

The GFP will register the grievances in a formal manner in register or in electronic format to be easily tracked for its resolution. The GRM will include the process of screening, investigation, resolution of grievances, documentation, and reporting of grievances as the steps mentioned below.

Step 0: Raising and registering the grievances using various mechanism including through written or verbal complaints and registered in grievance logbook at the construction site.

Step 1: Grievance raised is screened by the grievance focal person (GFP) and based on its severity/ jurisdiction forwarded to respective contractor/ sub-contractor for redressing

Step 2: Grievance discussed at the grievance focal person (GFP)/ respective contractor/ sub-contractor level, and addressed

Step 3: If not addressed in stipulated period it is escalated to Principal Employer.

Step 4: Once addressed, feedback is given/ sent to the complainant and complaint closed upon verification from the complainant

Step 5: If not satisfied, appeal to the other public authorities

Once all possible redress has been proposed and if the complainant is still not satisfied then they should be advised of their right to legal recourse. Quarterly report on the grievances received at each of the subproject is submitted to the contracting authority at the state level.

J. CONTRACTOR MANAGEMENT OF CIVIL WORKS

The Principal Employer (Police Housing Corporation/CCML) will oversee the implementation of contract as per the terms and clauses mentioned in the contract. The Environmental Specialist and Social Specialist at the PMT along with the E&S experts at the PMC will manage and monitor the E&S performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) including the labor management procedures. This may include periodic ESHS audits, inspections, and/or spot checks of the sub-project locations and camp sites (if created) as well as of labor management records and reports compiled by the contractors.

Contractors' labor management records and reports that may be reviewed would include representative samples of employment contracts or arrangements between third-parties and contracted workers,

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records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law and the LMP, and records of drills/ training provided for contracted workers to explain occupational health and safety risks and preventive measures. The works contracts will also ensure that all network laying and restoration works are completed in a timebound manner and are closely monitored by the PMC.

Annex 1: Worker's Code of Conduct

This Code of Conduct applies to all staff, labourers, and other employees at the worksite or other places where the works are being carried out. It also applies to the personnel of each sub-contractor and any other personnel assisting in the execution of the project. All such persons are referred to as "Contractor's Personnel" and subject to this CoC. This code of conduct identifies the behaviour required from all contractor personnel. The project workplace must be an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

Required Conduct

Contractor's personnel shall-

1. Carry out his/her duties competently and diligently.
2. Comply with this code of conduct and all applicable laws, regulations, and other requirements, including requirements to protect the health, safety, and well-being of other contractor's personnel and any other person.
3. Maintain a safe working environment including by:
 - a) Ensuring that workplaces, machinery, equipment, and process under each person's control are safe and without risk to health
 - b) Wearing required personal protective equipment
 - c) Using appropriate measures relating to chemical, physical and biological substances, and agents; and
 - d) Following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/ herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health.
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers, or children.
6. Not engage in sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractors or Employers Personnel
7. Not engage in sexual exploitation, which means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
8. Not engage in sexual abuse, which means that actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
9. Complete relevant training courses that will be provided related to the environmental and social aspects of the contract, including on health and safety matters, sexual exploitation and abuse, and sexual harassment.
10. Report violations of this code of conduct; and
11. Not retaliate against any person who reports violations of this code of conduct.

Raising Concerns

If any person observes behaviour that he/she believes may represent a violation of this code of conduct, or that otherwise concerns him/her, he/she raise the issue promptly to the (a) Personnel designated as a grievance redressal officer by the contractor, or the (b) Internal Complaints Committee (ICC) constituted by the contractor as mandated by Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. All reports of possible misconducts are seriously taken and will investigate and take appropriate action. There will be no retaliation against any person who raises a concern in good faith about any behaviour by this Code of Conduct. Such retaliation would be a violation of this code of conduct.

Consequences of violating the code of conduct

Any violation of this code of conduct by the contractor's personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.