

**FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

**MINISTRY OF TRANSPORT**

**ETHIOPIAN ROADS AUTHORITY**



**LABOUR MANAGEMENT PROCEDURE**

**FOR**

**“HORN OF AFRICA (HOA): REGIONAL ECONOMIC CORRIDOR PROJECT”**

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## Abbreviation

ESMP	Contractor’s Environment and Social Management Plan
CHS	Community Health and Safety CLS: Core Labour Standard
CoC	Code of Conduct
CSC	Construction Supervision Consultant
ERA	Ethiopian Roads Authority
EMG	Environmental Management Guidelines
ESA	Environment and Social Assessment
ESF	Environment and Social Framework
ESIA	Environment and Social Impact Assessment
ESMF	Environmental Social Management Framework
ESS	Environment and Social Standard
GBV	Gender Based Violence
GCC	General Condition of Contract
GoE	Government of Ethiopia
IFC	International Financial Corporation
ILO	International Labour Organization
InP	Interested Parties
LC	Local Community
LMP	Labour Management Procedures
LS	Local Stakeholders
M	Municipality
MoLSA	Ministry of Labour, and Social Affair
OHS	Occupational Health and Safety
OHSMS	Occupational Health and Safety Management Framework
PAP	Project Affected Persons
SCC	Standard Condition of Contract
SDG	Sustainable Development Goal SEA: Sexual Exploitation and Abuse
SRN	Strategic Road Network
WB	World Bank

## 1 Introduction

### 1.1 Project Background and Description

The Horn of Africa (HoA) Initiative: Regional Economic Corridor Project, or in short HoA-RECORD, development objectives are to: (i) enhance the provision of safe, smart, inclusive, and climate-resilient connectivity of selected infrastructure along the Addis-Djibouti corridor, and (ii) strengthen the institutional capacity for trade facilitation and infrastructure delivery.

The project design benefits from an understanding that in order to achieve both localized as well as wider economic benefits<sup>1</sup>, investment in trunk road infrastructure on its own is not enough. The project integrates complementary interventions that are needed for the full socio-economic benefits to materialize in an optimal “socio-economic corridor package”. This package includes a set of interventions on trade facilitation, harmonization, logistics enhancements, complementary localized infrastructure, and institutional strengthening that amplify the local and wider economic spillover benefits of the backbone road corridor infrastructure.

The project will be designed around five components: Component 1: Safe, Smart, Efficient and Resilient Road Corridor Construction; Component 2: Trade Facilitation and Logistics Enhancement; Component 3: Localized Complementary Infrastructure and Interventions; Component 4: Institutional Development and Project Monitoring; and Component 5: Contingent Emergency Response Component (CERC).

The main infrastructure aspect encompasses the construction of an expressway from Mieso town to Melka Jebdu town (Dire Dawa). The total length of the expressway along the section is about 141.1 kms with an average width of 90 meters; connecting three regional entities: the National Regional States of Oromia and Somali as well as the Dire Dawa City Administration. The Addis Ababa - Djibouti Road network map with their status is shown in the following figure (fig.1). The objective of the project is to facilitate import – export of the country and to increase social and economic integration among people in the project area. Smaller infrastructure construction is expected for Component 2 (logistics facilities for international trade) and Component 3 (local public infrastructure to enhance benefit sharing of the project such as access roads, water points, and local trade infrastructure).

Further project details are outlined in the ESIA and ESMF of the project.

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<sup>1</sup> Benefits that extend beyond travel time and vehicle operating cost savings

## HORN OF AFRICA (HOA): REGIONAL ECONOMIC CORRIDOR PROJECT

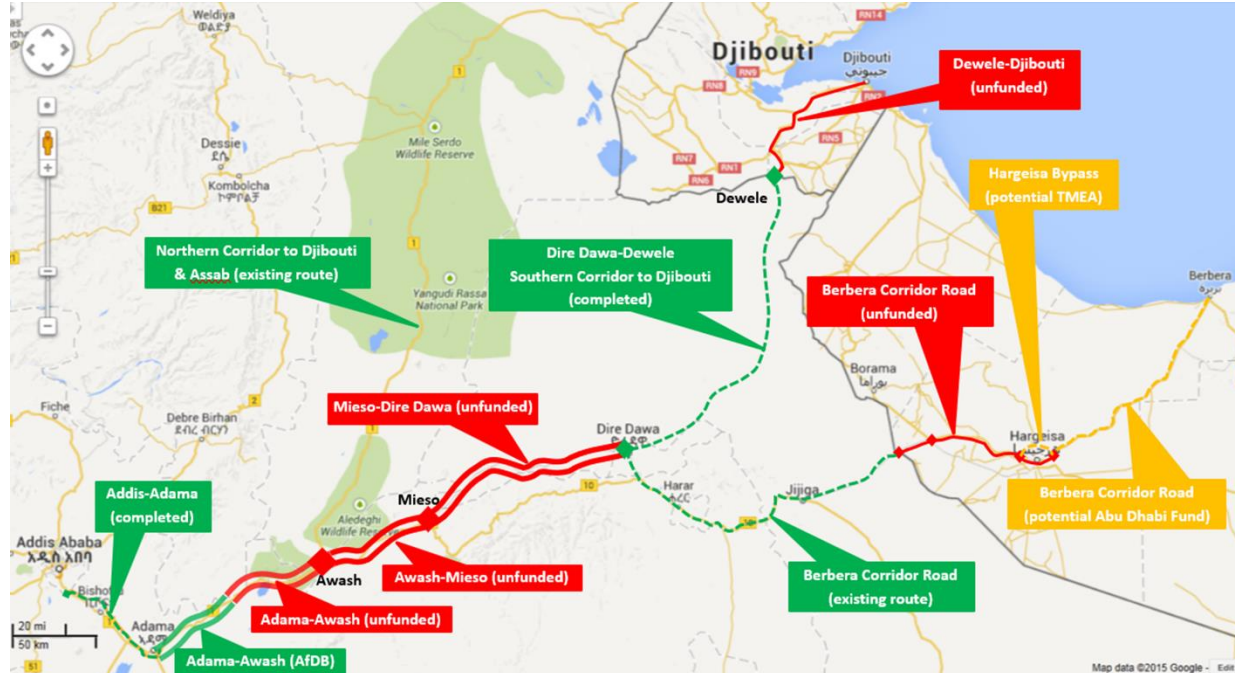


Figure 1: Addis Ababa to Djibouti road corridor (Source: HOA Adie Memoire)

### 1.2 Overview of Labour Use in the project

Management of Labour and Working Conditions is the crucial component of the construction management which have been stipulated in the FDRE 1995 Constitution and Ethiopia Labour Proclamation No. 1156/2019 as well as World Bank Environmental and Social Standard 2 (ESS2). All the mentioned legal framework requires project proponent, and implementing agencies to develop LMP to the project in order to identify the main labour requirements and risks associated with the project, and also to determine the resources necessary to address project labour issues. The LMP helps the different parties, for example, staff of the project implementing unit, contractors and sub-contractors and project workers, to have a clear understanding of the requirements on a specific labour issue complying the requirements of labour proclamation, applicable collective agreements and ESS-2 (Labour and Working Conditions) for the proper management of the project. This also includes general condition of contract and special condition of contract agreement for all kinds of subcontract work and intermediaries' involvement, if applicable during the project.

For the different project components, including Component 1 / Mieso - Dire Dawa highway project, the timing of the employment differs according to the nature and volume of the project activities. The LMP applies to all types of workers to be engaged by the project whether they are full-time, part-time, or temporary workers. Also, this applies to all local workers, female workers, and others national or international workers considering the minimum age of 18 in line with Labour Proclamation No. 1156/2019. The LMP is applicable in accordance with the Labour Proclamation No. 1156/2019, and ESS2 to the project

for people employed or engaged directly by Supervision Consultant and Contractor or sub-contractor to work specifically for this project. Community workers will not be part of the project workforce.

The construction of the project road is expected to create employment opportunities and jobs for local, national and international communities. The youth and women residing in the project area will be given priority and will benefit from the employment opportunities created due to the construction of the road. It can be assumed that this will be a significant contribution to the reduction of poverty at the household level. There will be a series of consultations to be held with local youth group, high employment expectation found to be the overriding concerns for all.

The labour requirement of the project, during the peak time, may reach around 2,000 workforce (including all categories of workers) for Component 1 and smaller numbers of people for the other components. Employment for semi-skilled and unskilled labour force should be encouraged from the project area and more opportunity or priority in employment should also be given for women and in particular to female headed households and the type of employment includes Engineers, Foreman, Surveyor, Construction Equipment Operator, Drivers and others. All types of job opportunities will be advertised in the project traversed woredas similarly in the major cities according to the project schedule. If such employment mechanisms are adopted the project would contribute to the creation of jobs and income, and improvement of the local economy; increase the revenue capacity of the project area, and will also bring in skills and knowledge to the locality. Consultations with potential job seekers will start early on in the project lifecycle to allow adjustment of expectations and, where possible, trainings to allow local communities to also benefit from opportunities for skilled workers.

## 2 Objective of LMP

The objective of the LMP is to promote proper worker management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working environment. Considering this facts, ESS2 on Labour and Working Conditions and Ethiopia Labour Proclamation, 2019, has set following specific objectives:

- To promote safety and health at work.
- To promote the fair treatment, non-discrimination and equal opportunity of project workers
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS2 and ESS4) and migrant workers, contracted workers, as appropriate
- To prevent the use of all forms of forced labour and child labour.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

### 3 Assessment of Key Potential Labour Risks

The main labour risks associated with the project are related to construction risk of accidents and incidents at the workplace, labour influx and associated community health and safety risks, including SEA risks.

**Occupational health and safety (OHS)** risk is likely to be high. The expected risks are related to potential injury, traffic-related accidents, land slide at workplace, exposure to unsafe machineries, fall from height during construction, poor working and living conditions of workers, and lack of provision of PPEs; and work related diseases (e.g., Allergies, Respiratory problems, communicable diseases including Sexually Transmitted Infections (STIs).

**Risks from the Construction Camp(s):** Operation of construction camp(s) will result in occupational health and safety risks including lack of safe ingress and egress to the facilities; lack of potable water supply, sanitation, and welfare facilities; integrity of construction camp structures; exposure to high temperature and insufficient lighting/illumination; exposure to noise; ambient air pollution; exposure to hazardous chemicals; electrical and fire hazards; spread of diseases; exposure to harmful animals (rodents, stinging animals); traffic risks; and GBV/SEA/SH.

**Child and Forced Labour:** The project has a moderate risk of child labour which will be mitigated through certification of laborer's age. This will also apply to subcontracted work and day labor. The minimum age for work in the project shall be 18 years as per the Ethiopia's Labour Proclamation No. 1156/2019. The age of workers shall be determined by using the legally recognized documents such as birth certificate and other identification cards issued by the legal authority. Further, awareness-raising programs will be conducted regularly to the communities to sensitize on prohibition and negative impacts of child and forced labour. However, in practice in some sector of works there might be the risk of the non-compliance.

**Labour influx:** Given the employment opportunities that will be created from the project, labour influx in project area is expected and the category of the risk will be identified based on assessment. The prevalence of such risk might be due to the engagement of migrants or seasonal workers from the neighbor towns include those workers in Dire Dawa and Harari cities. The focus of the current project's operational procedure is to localize the economic benefits with minimal hiring of outside labour to service work that require specialized/skilled labour that is not present in project localities. The priority for local labour (based on skill, experience, capacity) is expected to minimize the risk of influx, where there is a requirement for special skills. For external workers and skilled profession local workers, proper labour camps will be established for worker accommodation at project site. Specific requirements to manage risks associated with labour influx, related to the interaction between project workers and local communities, such as communicable diseases and gender-based violence, most specifically sexual exploitation, abuse and sexual harassment, will be managed through contractual requirements, preparing and making them sign code of conduct and providing training set out in this document. These procedures are guided by Labour proclamation No 1156/2019 and the Bank's ESS2. Unskilled workers will be recruited in local villages along the road corridor and transportation services will be provided by the contractor, as necessary.

**Gender-based violence:** the GBV risk for the project is substantial, indicating the potential for labour to create or exacerbate patterns of GBV/SEA risk. Construction workers will be predominantly younger ages; those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male labour may lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work. To address the GBV/SEA the following activities will be implemented: (i) develop and implement GBV Action Plan; (ii) training and awareness on unacceptable conduct toward female workers; (iii) informing workers about national labour law against sexual harassment and gender based violence a punishable offence which is prosecuted; (iv) introduce works' code of conduct as part of the employment contract including sanctions; and (v) ensure that women are given equal employment opportunities during recruitment and job postings.

**Human Trafficking:** Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Women and children are particularly vulnerable to trafficking practices. Reports on trafficking relates mainly to out-country trafficking. Nonetheless, the project will enforce stringent requirements to ensure the contractor, and sub-contractors will not hire trafficked workers. These requirements will be spelled out in the bidding document, contract and site specific ESMPs.

#### 4 Overview of Labour Legislation: Terms and Conditions

The fundamental right of the labour management begins with the constitutional right stipulated into constitution of Ethiopia, 1995 through various articles such as the right against exploitation (article 42); the right to a clean and healthy environment (article 44); rights to fair labour practice including appropriate remuneration, facilities and contributory social security (article 42) and Policies relating to labour and employment (article 42).

More specifically, the Labour Management Provisions has been reflected in Labour proclamation, No. 1156/2019, Child Labour Prohibition and ESS2, paragraph 11 (i.e., wages, deductions and benefits) to ensure right, interest, facilities and safety of all forms of labours. This aims to establish harmonic relationship among employer and workers as well as good culture of work. The glimpse of the legal obligation as term and condition applicable to LMP are:

- Fundamental provision of labour against engagement of force labour, child labour at work, discrimination and equal pay at work.
- Provision for employment for five categories of employment based on the time and nature of work,
- Provision of employment contract for all types of labours. This include (a) nature of employment, (b) primary work of the Employee and his/her position, (c) statement that the Employees' Service Rule will be integral part, (d) remuneration or wages, (e) overtime, compensation and benefits,



(f) terms of the employments of the Employee (g) date, time and schedule of work, (e) payment mode and such other matters as prescribed, (f) rest per week, annual holiday and sick, maternity and family leave, as required by national law and labour management procedures

- Provision of part time work and social security for the workers
- Provisions for issuing work permit for foreign labour
- Provision for labour supply and the responsibility of the suppliers towards labour. The employer should ensure that workers are provided minimum remuneration and facilities as per the law.
- Fundamental provision on Occupational Health and Safety (OHS) including role and responsibility of the Contractor.
- Provisions for good culture of work, and discipline at work and performance for labour
- Provision against harassment, and sexual abuses.
- Provision for collective bargaining.
- Provision for labour audit for each workplace.
- Provision against harassment, and sexual abuses.
- Provision for collective bargaining.
- Provisions for fair and unfair reasons for termination of employment. This includes written notice of termination of employment and details of severance payments in a timely manner

Moreover, the Child Labour Prohibition in Ethiopian constitution 1995, article 36, “Rights of children” is the main legal expedient to prohibit engaging children in factories, mines or similar risky activities and to make necessary provisions with regard to their health, security, services and facilities while engaging them in other activities.

The Labour proclamation No. 1156/2019, has clearly described all things related to labour and workforce including wage and salary, termination, redressing, work environment, female worker, recruitment, unionization, and so on. The salient terms and conditions of Labour legislative provisions include:

**Work hours:** Working hours continue to be 8 hours a day and 48 hours a week as per part 4 of The Labour proclamation No. 1156/2019. No pregnant woman shall be assigned to night work between 10 p.m. and 6 a.m. or be assigned on overtime work.

**Circumstances in which Overtime Work is Permissible:** Worker may not be compelled to work overtime; however, overtime may be worked whenever the employer cannot be expected to resort to other measures and only where there is: a) Accident, actual or eminent; B) Force-majeure; c) Urgent work; and d) Substitution of absent workers assigned on work that runs continuously without interruption. Overtime work shall not exceed four hours in a day and twelve hours in a week.

**Wages:** “Wages” means the regular payment to which a worker is entitled in return for the performance of the work that he performs under a contract of employment. The following payments shall not be considered as wages: a) Over-time pay; b) Amount received by way of per-diems, hardship allowances, transport allowance, relocation expenses, and similar allowance payable to the worker on the occasion of travel or change of his residence; c) Bonus; d) Commission; e) Other incentives paid for additional work results; and f) Service charge received from customers.

Every employer is responsible for the payment of wages and other payments to labourers employed by them as stipulated in Part 3 of Labour Proclamation No. 1156/2019. The maximum wage including other payment period is one month.

### **Overtime Payment**

1. In addition to normal wage, a worker who works over-time shall be entitled at least on the following rate of payments: -
  - a) In the case of work done between 6:00 a.m. in the morning and 10:00 p.m. in the evening, at the rate of 1.5 multiplied by the ordinary hourly rate;
  - b) In the case of night time work between 10 p.m. in the evening and 6 a.m. in the morning, at the rate of 1.75 (one and three fourth) multiplied by the ordinary hourly rate;
  - c) In the case of work done on weekly rest day, at the rate of 2 multiplied by the ordinary hourly rate; and
  - d) In the case of work done on a public holiday, at the rate of 2.5 multiplied by the ordinary hourly rate.
2. Payment for over-time work shall be effected on the day fixed for payment of wage and together with wage.

Where the employment of a worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal or otherwise, the wages payable to him must be paid before the expiry of the 30<sup>th</sup> working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque and in some cases (given the requirement of the labourers) through an electronic transfer in favour of the bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorized by the Labour Proclamation.

**Workers union:** The Labour proclamation No. 1156/2019 entrusted the right of labour to involve or affiliation to the trade union organization. The law also provides the provision of formation of trade union where the number of workers exceeds 10. The committee formed in accordance with such provisions will be responsible for collective bargaining agreement and is authorized to submit collective demands, negotiate and settle the demand, among other things. The act also entrusts to form a Labour relation committee comprised of management and workers where more than ten labours are employed for handling and settlement of workplace issues. The discrimination will not be accepted against developing alternative mechanisms to express their grievances and protect their rights regarding working conditions, terms of employment as well as collective bargaining or alternative mechanisms.

**Regular leaves and benefits:** According to Labour proclamation No.1156/2019, every worker must enjoy paid sick leave, casual leave, and festive holiday, and mourning leave. The labourers would get festival allowances as per the rules. The Act has also made it compulsory maternity leave from 2 weeks before the delivery up to at least 6 weeks after the delivery.

There have been also major changes in the terminal benefit provided to the workers such that the benefits are provided to each labourer irrespective of length of service or nature of employment. The act provides the provision of terminal benefits to the permanent and for certain benefits such as gratuity the worker should have completed certain year of services.

**Maternity/Paternity leave:** According to Labour Law No. 1156/2019, an employer shall grant leave to a pregnant worker with pay, for medical examination connected with her pregnancy, provided, however, that she may be required to present a medical certificate of her examination. 2) a pregnant worker shall, upon the recommendation of a physician, be entitled to a leave with pay. 3) A pregnant worker shall be granted a period of 30 consecutive days of leave with pay of pre-natal leave and a period of 90 consecutive days of leave post- natal. 4) where a pregnant worker does not deliver within the 30 working days of her pre-natal leave, she is entitled to an additional leave until her confinement in accordance with Sub-Article (2) of this Article. However, if birth takes place before the expiry of the pre-natal leave, the 90 working days of post-natal leave shall commence. 5) on any pregnant worker certified her giving up pregnancy by physician shall not be implemented Article 86 provision of leave without pay. A male employee shall be entitled to three consecutive days paternity leave with full pay.

**Safe work environment- Health/ Safety/ Welfare:** The Labour proclamation No. 1156/2019 (part seven article 92) indicates that the employer has the obligation to take appropriate steps to ensure that workers are properly instructed and notified concerning the hazards of their respective occupations; and assign safety officer; and establish an occupational health and safety committee.

**Notice periods:** The Labour Law, (2019) made provision on the termination of employment voluntarily by submitting a resignation letter. The employer must approve the resignation within 30 days and provide a notice thereof to the worker. Even if the employer does not approve the resignation, the resignation becomes effective on the next day of the expiry of the 30 days of time. However, if the worker continues to work in the entity even on the effectiveness of resignation in such situation the resignation is deemed cancelled.

Termination is considered a “discharge” in the case that a worker is fired for reasons of mental or physical incapacity, illness or other reasons not related to misconduct by the worker. An employer must pay compensation when a termination is unrelated to discharge or dismissal and must give justification when they do terminate on grounds of discharge or dismissal.

The proclamation No.1156/2019, (Part 2) also prohibits the sexual harassment and violence in the workplace. If anyone found to be involved in the sexual misconduct the service may be terminated on the basis of seriousness of offence.

**Non- Applicability of the proclamation:** The Labour proclamation No. 1156/2019 as per Part 1 article 3 is not applicable to the following entities:

- a) Contracts for the purpose of upbringing, treatment, care or rehabilitation;
- a) Contracts for the purpose of educating or training other than apprentice;

- b) Where the employee is a managerial employee;
- c) contracts of personal service;
- d) Contracts relating to persons such as members of the Armed Force, members of the Police Force, employees of state administration, judges of courts of law, prosecutors and others whose employment relationship is governed by special laws;
- e) Contracts relating to a person who performs an act, for consideration, at his own business or professional responsibility
- f) Contracts relating to persons such as members of the Armed Force, members of the Police Force, employees of state administration, judges of courts of law, prosecutors and others whose employment relationship is governed by special laws;

The project needs to introduce the practices to develop standards code of conduct (CoC), condition of contract agreement by including all legal clauses, collective agreements and other special terms and condition for each labour, service providers, contractors, subcontractors and other project parties.

## 5 Overview of Labour Legislation: Occupational Health and Safety

The special provision related to OHS and working condition has been stipulated in the Part 7 chapter one of Labour Proclamation No. 1156/2019 and, WB ESS 2 (labour and working condition) The provisions are made to protect the labour and concerned people at the workplace against hazards to safety and health arising in connection with the activities. This act entrusts the employer with the obligation to ensure the safety and health of all its employees, and also to mitigate risks of exposure to any hazards in the workplace.

The legal obligations on OHS, applicable to LMP, are listed below:

- Provision to demonstrate OHS policy at workplace.
- Responsibility of employers towards worker such as information, facility, personal protective equipment and training on all kinds of OHS related training.
- Provision regarding the protection of non-labours such as visitors and others.
- Provision of non-discrimination based on caste/ethnicity, gender, religion, language, origin and ideology
- Provision for appointment responsible person (OHS Officer) at the workplace for OHS implementation. Under this there will be joint safety and health committee comprising of supervisor and workers at worksite.
- Special provision for OHS for eye protection, protection against harmful chemicals, operation of pressurized machine/vessel, machine guarding, handling/lifting of load, fire protection, provision against fatigue.
- Provide Information to respective Labour Office (LO) against accident, fatality and disease happened due to work.
- Provision for treatment and prevention of communicable diseases.

- Specifies requirements for workplace in terms of health and safety such as: proper cleanliness, passage of fresh air, proper light and temperature, solid waste management, noise control measures, healthy drinking water, bathroom or modern toilet, mandatory medical check-up for the entities undertaking health hazardous activities, provide appropriate time for the lunch to the workers, child care center for children under three years.
- Provision of onsite first aid and primary health care.
- Provision of accident investigation, inventory of work-related diseases and compensation.

Community Health and Safety (CHS): There are basically two components of CHS. One is the physical safety of project communities who are exposed to the project activities during construction and operation, including risks of accidents and risks of violence due to increase in crimes and cultural conflict between locals and migrant population. The other pertains to the exposure and/or increased risks of diseases by the community due to influx of people during construction and operation and due to the changes in the project area, including pollution and ecological change. The physical safety aspects are partly addressed by the OHS provisions of Labour Act. Other laws have specific provisions that address part of ESS4.

**Table 1: Conformance of the Ethiopian Labour Proclamation with key elements of the ESS2**

Key Elements of ESS2	Provisions in the Ethiopian legislations
Equal Opportunity and Non-discrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work (FDRE constitution 1995, article 45 and Part Six chapter one).
Timely payment	Wages shall be paid at such intervals as a provided for by law or collective agreement or work rule or contract of employment (Labour proclamation 1156/2019, Part three, Chapter 2
Working hours and overtime	Normal hours of work shall not exceed 8 hours a day or 48 hours a week and while overtime work shall not exceed four hours in a day and twelve hours in a week, (Labour proclamation 1156/2019, Part Four, Chapter one and section Two)
Minimum Wage	<p>The minimum wage shall rely on rate of ministry of labour and social affair. So far there is no national minimum wage.</p> <p>The new Labour Proclamation No. 1156/2019 refers to minimum wages by referring to the issuance of a Regulation of the Council of Ministers to determine the powers and responsibilities of a Wage Board. The Wage Board shall comprise representatives of the Government, employers and trade unions together with other stakeholders. It will periodically revise minimum wages based on studies which take into account the country's economic development, labour market and other considerations.</p>

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Worker rights	<p>“[Workers]... have the right to form associations to improve their conditions of employment and economic well-being” (Article 42 of FDRE Constitution) and Regular leaves and benefits (adequately covered in part 5of the proclamation, 1156/2019</p> <p>The employer must provide reasons for termination</p>
Prevents use of all forms of forced labour and child labour	<ul style="list-style-type: none"> <li>- (1995 Ethiopian Constitutional Right to Child): article 36 provides child “not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being”;</li> <li>- Proclamation No. 1156/2019 states that “It is prohibited to assign young workers on work, which on account of its nature or due to the condition in which it is carried out endangers their lives or health.” And “It is prohibited to employ a person less than 15 years of age.”</li> </ul>
Protection of Workers	<ul style="list-style-type: none"> <li>- Proclamation 1156/2019: Fundamental provisions for workers (Part 2)</li> <li>- Schedule of work (Part 5)</li> <li>- Provisions for internal management of workers (Part 2 and 8)</li> <li>- Dispute settlement (part 2 and 8)</li> <li>- Disciplinary and penalty (part 8)</li> </ul>
OSHS	<p>The law provides for comprehensive OHS and empowers Ministry of Labour and Social Affairs to conduct inspections of establishments andto impose penalties for violations or non-compliance (section12)</p>
Children at Working Age	<ul style="list-style-type: none"> <li>- (1995 Ethiopian Constitutional Right to Child): article 36 provides child “not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being”;</li> <li>- Proclamation No. 1156/2019 states that “It is prohibited to assign young workers on work, which on account of its nature or due to the condition in which it is carried out endangers their lives or health.” And “It is prohibited to employ a person less than 15 years of age.”</li> </ul>
Women	<p>According to Labour Proclamation No. 1156/2019, Part Six</p> <ul style="list-style-type: none"> <li>- Women shall not be discriminated against in all respects on the basis of their sex.</li> <li>- Priority shall be given to women if they get equal result with men when competing for employment, promotion or any other benefit.</li> </ul>

	<ul style="list-style-type: none"> <li>- It is prohibited to assign women on works that may be listed by the Ministry to be particularly dangerous to women or hazardous to their health.</li> <li>- An employer shall grant leave to a pregnant worker with pay, for medical examination connected with her pregnancy, provided, however, that she may be required to present a medical certificate of her examination.</li> <li>- A pregnant worker shall, upon the recommendation of a physician, be entitled to a leave with pay.</li> <li>- An employer shall not terminate the contract of employment of women during her pregnancy and until four months after her confinement.</li> <li>- A pregnant worker shall be granted a period of 30 consecutive days of leave with pay of pre-natal leave and a period of 90 consecutive days of leave post- natal.</li> <li>- Where a pregnant worker does not deliver within the 30 working days of her pre-natal leave, she is entitled to an additional leave until her confinement</li> <li>- However, if birth takes place before the expiry of the pre-natal leave, the 90 working days of post-natal leave shall commence.</li> <li>- On any pregnant worker certified her giving up pregnancy by physician shall not be implemented Article 86 provision of leave without pay.</li> </ul>
Person with Disabilities (PWD)	Proclamation No. 568/2008 provides for rights to discrimination-free employment opportunities under article 4 of this proclamation it is stated that “Unless the nature of the work dictates otherwise, a person with disability having the necessary qualification and scored more to that of other candidates shall have the right without any discrimination”
Migrant Workers	No special provisions for migrant workers but provisions for foreign workers (article 6)
Contract Workers	Their right, obligation and grievance redress procedures and the like are clearly covered in proclamation 1156/2019.
Community Workers	The labour law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The labour Proclamation No. 1156/2019 requires that all labour supply contracting agency will have to be formally registered and workers should first be the responsibility of the contracting agency.
Freedom of association and collective bargaining	Where 10 or more workers are engaged in the entity, employer

	shall also constitute the Collective Bargaining Committee as per part 8 article 113 of Labour Proclamation No. 1156/2019
Access to a grievance redress mechanism	Workers can seek direct civil law redress from the Labour Courts for complaints regarding terms and conditions employment and wages. While health and safety, maternity welfare and child labour offences are subject to criminal prosecution.

The contractors have the mandate to comply all the mentioned requirement and also make their employee compatible towards handling and management of entire OHS condition at workplace. This may be ensured through providing the required facilities and develop their capacity. Also, through developing standard commitment paper submitted to contractor during the bid process included into bid documents as mandatory requirements. Additionally, development of OHS management plan and implementation framework need to be developed.

## 6 Responsible Staff

The overview of responsible staff and oversight mechanisms has been described in the institutional arrangement of ESIA of Mieso – Dire Dawa Project. The Project Management has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure contractor compliance. The contractor will be responsible to address LMP as part of procurement for works and subsequently responsible to manage LMP provisions. The contractor will be responsible for establishing its workforce, i.e., hiring contract workers. The construction supervision consultant is responsible to supervise/oversight the implementation of LMP in close coordination with the Project Management. The supervision consultant will supervise the contractor’s compliance of labor related issues including hiring from the locals, protection against child labor, and forced labor, and OHS compliance.

The ERA and MoT through assigned contractor will assign responsible staff to carry out the following activities:

- Engagement and management of project workers
- Engagement and management of contractor/subcontractors
- Occupational Health and Safety (OHS)
- Training of workers
- Addressing worker grievances
- Labour camp management
- Emergency preparedness plan



The main staff positions that will be filled prior and during project implementation for environmental, social, and occupational health and safety management are indicated in the below table. Contractors and supervision consultants under ERA and MoT are expected to provide expertise on these positions for the duration of the project, subprojects, or specific activities.

Table 2: *The staff positions and their scope of work*

Staff	Specialization, Functions or Area of Coverage
Senior environmentalist or advisor	Supports the Project Management in implementing the environmental safeguard issues including planning, monitoring and performance appraisal.
Senior sociologist or Social Safeguard Advisor	Supports the Project Management in implementing the social safeguard issues including planning, monitoring and performance appraisal.
Environmentalist or Environmental Safeguard Specialist	Supports the Project Management and Environmental Safeguard Advisor in implementing the environmental safeguard issues including planning, monitoring and performance appraisal.
Sociologist or Social Development Specialist	Supports the Project Management and Social Safeguard Advisor in implementing the social risk management including planning, monitoring and performance appraisal.
OHS and Labour Management officer	Specializes and provides technical backstop on OHS and labour management and community health safety issues, post construction management measures for road safety including planning, monitoring and performance appraisal

**Labour and Working Conditions:**

The contractor (health and safety specialist) will be responsible to develop a comprehensive commitment plan for labour and working condition in accordance with specifications and keep record set up in LMP as discussed: records of workers engaged under the project, including work and workers category, contracts, hours worked, remuneration and deductions (including overtime), payment mode, collective bargaining agreements, capacity development plan, workplace code of conduct. And, contractor is obliged to comply with maintain all requirements and keep their records updated. Also, address the provision of workers accommodation, welfare and other workplace facility.

The working hours for a day will be 8 hours and 48 hours per week. Additionally, the wages, leave, welfare, social security, insurance and safety measures for all employees will be provided as per the provision made available by Ministry of Labour and Social Affair, Employment and Social Security. The discrimination will not be accepted against gender, caste, ethnicity as reflect in labour Proclamation 2019 and in Ethiopian 1995 constitution.

ERA and MoT may require records any time to ensure that labour conditions are met. The Project Management will review records on a monthly basis and can require immediate remedial actions, if needed. A summary of issues and remedial actions will be included in the quarterly reports to the World Bank. The gross minimum wages and facilities for all category of staffs and workers may applies as listed:

- The executive/professional, experts and specialists by considering procurement policy of WB.
- The skilled and unskilled labourers by considering minimum labour wage and benefits as per the labour law.

Contractors must engage a minimum of one safety and health officer and joint safety and health committee comprising of supervisor and workers, as well as supervision consultant's senior health and safety officer as an intermediate. Smaller contracts may permit the safety representative to carry out other assignments as well. The safety and health representative ensure the day-to-day compliance with specified safety measures and records of any incidents. They will be responsible to comply above mentioned requirements to protect and control of environment, occupational health and safety, community health and safety. This incorporates engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences when impact avoidance is not feasible. Also, provides technical and financial resources to effectively and safely control accidents, preparing workers and nearby communities to respond on them. Furthermore, applies to ensure implementation of measures to avoid, minimize or rehabilitate risks and impacts on occupational health and worker' safety.

#### **Additional Trainings:**

Contractor is required to have a separate unit to deal with labour and working condition as well as community health and safety with adequate number of Health and Safety officer and support staffs. If training is required, this will be the contractor's responsibility. The Health and Safety officer will provide instructions to contractor staff.

ERA and MoT will require for training to address risks associated with construction and labour influx as well as will provide a schedule for required training. The Contractor will be obligated to ensure staff participation for such training, and any additional mandatory training required, as specified by contract to maintaining a safe and healthy working environment. The training and retraining will be conducted at different intervals such as after appointment, annually and if new things happened changed at the workplace (material, technology, procedure, emergency).

## **7 Policies and Procedures**

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 Project Management will incorporate standardized environmental and social clauses including the requirement of GBV/SEA Mitigation Action and worker Code of Conduct in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that shall be expected from them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. The Project Management will enforce compliance implementation of safeguards by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the Project Management or its appointed agents. Likewise, similar obligations will be required for third party. The contractual arrangements with each project worker must be clearly defined in accordance with national law. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Programs environmental and social instruments.

Under no circumstances, Project Management, contractor, or sub-contractors will not engage forced labour. Forced labour includes bonded labour (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis can be referenced or annexed to the LMP, together with any other supporting documentation. The similar obligation is required for the engagement of child labour.

### **7.1 Occupational, Health and Safety**

To achieve the best OHS performance the Ethiopian Roads Authority, Contractor and supervision consultant shall be committed to:

- (i) Comply with legislation and other applicable requirements, which relate to occupational health and safety hazards.
- (ii) Prevent OHS risks through promotion of appropriate skills, knowledge and attitudes toward hazards;
- (iii) Contribute to improve OHS management system and performance during project implementation;
- (iv) Develop budgetary plan for OHS improvement including capacity development and performance assessment.

- (v) Communicate OHS provisions to all persons, working under control of the Project Management with emphasis on individual OHS responsibilities.

The Health and Safety Specialist, Environmental Representative for the workplace or a section of the workplace for an agreed period. At a minimum, the Representative must:

- Identify potential hazards: likely during excavation, operation of construction vehicles such as excavators and dump trucks, operation of crusher plants, operation of quarry sites. Typical health hazards could be encountered during rock cutting, slope cutting, working in bridge over river, equipment handling etc.
- Collaborate with contractors, investigate the causes of accidents at work place;
- Inspect the workplace, including plant, machinery, technology, project sites and social environment with a view of establishing the safety and health of employees;
- Attend meetings of the Safety and Health Committee, being its member;
- Make recommendations to employer in respect to safety and health matters, affecting the employees.
- Develop capacity building and monitoring plan.
- Develop emergency preparedness and management plan.
- Develop OHS Management Framework and compliance plan.
- Report and record all OHS related issues mainly focusing on the workplace accident.

Workers could encounter injuries and accidents (sometimes casualties) in lack of adequate safety measures. And, project is paying high compensation in terms of human life, economy and society and also, face high burden to the project during construction and operation. Also, lack of capacity and training to workers on safe operation of heavy equipment make job become risky. Other possible health impacts are respiratory and eye diseases due to exposure to dust, and smoke. Similarly, unhygienic sanitary condition e.g., lacking of latrines and washing facilities and unsafe water location increases the chances of additional and often endemic diseases like diarrhea, dysentery and cholera.

To avoid workplace related health and safety issues including accidents and injuries, the Contractor will:

- Develop workplace OHS policy and hazard as well as accident registration and reporting system.
- Provide occupational health and safety training to all employees engaged in work, ensuring protective masks, helmets, overall and safety shoes, and other safety equipment when required;
- Conduct workplace assessment and develop implementation plan.
- Provide workers in dusty and high noise areas with masks and earplugs;
- Ensure availability of first aid boxes;
- Provide employees with access to toilets for male and female and potable drinking water;
- Provide occupational safety measures to workers with specific equipment;

- Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds; and attach the receipt of waste from the relevant landfill authority.
- Carry out all procedures to prevent leakage of generator oil into the site.
- Ensure that the head of the well is covered tightly.
- Provide secondary tank for oil and grease to avoid spills.

Additionally, the minor incidents are reported to Project Management on a monthly basis and serious incidents are reported with accident reporting format immediately within 24 hours to ERA or MoT and the WB. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately within 24 hours.

Further to enforcing the compliance of environmental management, contractors are responsible and liable of safety of site equipment, labours and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

## **7.2 Labour Influx and Gender Based Violence**

Contractor will need to maintain labour relations with local communities through a code of conduct (CoC). The CoC commits all persons engaged by the contractor, including sub-contractors to acceptable standards of behavior. The CoC must include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC should be written in plain language and signed by each worker to indicate that they have:

- Received a copy of the CoC as part of their contract;
- Had the CoC explained to them as part of the induction process;
- Acknowledged that adherence to this CoC is a mandatory condition of employment;
- Understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

A copy of the CoC shall be displayed in a location easily accessible to the community and project- affected people. It shall be provided in Ethiopia.

Contractors must address the risk of gender-based violence, through Mandatory training and awareness-raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated:

- Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence which is prosecuted; and
- Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence;

The contractor should have a GBV/SEA/SH mitigation action plan which includes developing a system (GRM) to respond to gender-based violence, sexual exploitation and workplace sexual harassment-related complaints/issues; GBV awareness in affected communities, making the workplace and labor camps zero tolerance of SEA/SH, CoCs, follow up orientations on SEA/SH to workers etc.

This process will be under the portfolio of a designated Officer who shall identify and engage the relevant stakeholders on GBV issues.

### **7.3 Worker's Unions**

The labour proclamation No. 1156/ 2019 has protected the right of labour to involve or affiliation to the trade union organization. Besides as a member state of ILO, it has the obligatory requirements to apply minimum conditions in terms of worker's organization. The Labour law enacted to give effect to the collective bargaining, amongst other purposes. The law allows for the collective negotiation of terms and conditions of employment. The discrimination will not be accepted against developing alternative mechanisms to express their grievances and protect their rights regarding working conditions, terms of employment as well as collective bargaining or alternative mechanisms. Labour relation committee comprised of management and workers will be applicable in any workplace where more than ten (10) labours are employed for handling and settlement of workplace issues.

The Project Management does not forbid the workers with the right to join and form an organization for purpose of labour representation to negotiate favorable terms and conditions for their members amongst other rights.

## **8 Age of Employment**

The Labour Management Procedure in accordance with the labour proclamation No. 1156/2019 and ESS2 has adopted the standard desk review of related references and reports and legal valid documents followed by the field study by consultation with concerns project and project parties both at central and project alignment site. The mandatory provision of minimum age by law for the hiring of labour proclamation No. 1156/2019 is 18 and no children under this age are allowed to work. The age of the workers shall be confirmed through an ID card or birth certificate issued by responsible legal government institution. If any contractor employs a person under the age of 15 years, that contractor's will not only be terminated but also be reported to the authorities for legal prosecution. Also, the project and project parties will not allowed to involve children in any hazardous work activities prohibited that includes: (a) with exposure to physical, psychological or sexual abuse; (b) underground, underwater, working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or (e) under difficult conditions such as work for long hours, during the night or in confinement on the premises of the employer.

Evidence such as birth certificate or citizenship, monitoring and inspection and other documents need to be produced to demonstrate the age and assurance of complying legal obligation.

## 9 Terms and Conditions

As stated in section 4 of this LMP the terms and conditions of employment are governed by the Labour law. The law makes it mandatory for employers to give its workers a copy of the written particulars of employment, signed by both parties. For this program, contractors will be required to provide all its workers with written particular of employment.

Contractors will also be required to comply with the most current regulation of wages which is issued by the Government and reviewed on a regular basis. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and subsistence allowances and the issue of protective clothing.

The act states that before a contractor is awarded a public contract, that contractor is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favorable than those contained in the most current wages regulation issued. Where a contractor fails to comply with this requirement, the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the Project Management.

In ensuring full compliance with the law in this regard, contractors will be required to furnish Project Management with copies of the Written Particulars of Employment or copies of the contract of its entire workforce. Contractors will not be allowed to deploy any worker to work in the project if such copy of employment of that worker has not been handed to Project Management.

As a monitoring mechanism, the contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: a) stating whether any wages due to workers are in arrears; b) stating that all employment conditions of the contract are being complied with. For this program, it will be a material term of the contract to allow Project Management to withhold payment from contractor should the contractor not fulfill their payment obligation to their workers.

The wage, hours of work, maximum number of hours will be applied as mentioned in section four of LMP.

## 10 Grievance Mechanism for Workers

A grievance mechanism for workers shall be established. In any working environment, it is essential for both employers and workers to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following:

- Disciplinary action
- Individual grievances
- Collective grievances and negotiation of collective grievances
- Gender-based violence, sexual exploitation and workplace sexual harassment, recognizing that SEA/SH cases require prompt response with a survivor centric approach (assuring quick access to services, confidentiality, safety, consent, non-discrimination and respect to and of the survivor)

### **10.1 Disciplinary Procedure**

The Project Management will establish a fair and effective disciplinary procedure in the workplace, as follows:

- a) Conduct an investigation to determine whether there are grounds for a hearing to be held;
- b) If a hearing is to be held, the employer will notify the worker of the allegations using a form and language that the worker can understand;
- c) Worker is to be given reasonable time to prepare for the hearing and to be represented by a fellow worker or a union representative;
- d) Worker must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e) If worker fails to attend the hearing the employer may proceed with the hearing in the absence of the worker;
- f) The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.

If worker is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal in written. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the workers are aware of. Each contractor will be required to produce this procedure to ensure that workers are not treated unfairly.

### **10.2 Individual Grievance Procedure**

Based on Ethiopia's country regulations and the requirements of ESS2, the project will have a formal grievance procedure for workers to submit complaints related to conditions of their work. The procedure comprises:

- a) Specify to whom the worker should lodge the grievance
- b) Refer to time frames to allow the grievance to be dealt with expeditiously;
- c) Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level;
- d) If a grievance is not resolved the worker has the right to lodge a dispute with the Project Management.

All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each worker has been inducted and signed that they have been inducted on the procedure.



Workers GRM will be in place to receive concerns and grievances from workers and will address all complaints within a reasonable time, protect against retaliation and allow for escalation of complaints. Contractors will be required to present a worker grievance redress mechanism, which responds to minimum requirements in this LMP. Worker grievances will include occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up.

The Project Management's Social Management Advisor will review records on a monthly basis. The Project Management will keep up-to-date resolutions and reflect them in quarterly reports to the World Bank. A summary of the grievances received should be included in the monthly and quarterly monitoring reports. If grievances are repeated, unresolved or submitted by several people, this should be escalated to the Unions or Labour and Social affair office of the local government.

Individual grievance appeared (as per part three, proclamation 1156/2019) during work related to noncompliance of the provision stipulated in will be settled as Per the consultation and understanding of employer and labour. The project will have the risk of payment and facilities against individual workers so condition needs to be reflected into the contract agreement. If unable to settle the cases based on consultation and understanding either parties can take their cases to Labour Division First Instance Court as indicated in labour proclamation No. 1156/2019 article 139.

Collective grievances, disputes and their process to handle (part 9, Labour proclamation No. 1156/2019) provisioned for collective bargaining settlement committee and function based on the terms and condition. If the settlement is not effective and satisfactory, either parties have the right to proceed according to the procedures indicated in chapter 2/part 9/ of the proclamation No. 1156/2019 or any other applicable legislation. Negotiation and labour tribunal will apply for the settlement. Complaint handling mechanisms (GRM) and plan of action for the management of possible issues will be established. The finding will be communicated for future action as best practices. This applies for direct and contracted workers and describes the way in which these workers will be made aware of the mechanism.

The contractor will prepare and have a SEA/SH mitigation action plan which includes developing a system (GRM) to respond to gender-based violence, sexual exploitation and workplace sexual harassment-related complaints/issues; conduct GBV awareness in affected communities, making the workplace and labour camps zero tolerance of SEA/SH, prepare CoCs, follow up orientations on SEA/SH to workers etc.

### **10.3 Collective Grievances and Disputes resulting from the negotiations of Collective agreements**

When a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate the union. The procedures followed in such instances is usually contained in the agreement, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labour legislation.

#### **10.4 Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment**

Provisions related to GBV and sexual harassment is stipulated respectively in an article 14, 32, and 39 of the labour proclamation No. 1156/2019. The law states no one shall be discriminated against cast, gender, sex, language, ideology and pay (salary) etc. Also, no one will be sexually abused during work and the action against will be appalled legally and the penalized by termination of job.

The Project Management will, with support from consultants, identify institutions and services providers who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referral for any potential survivors. The project unit and the contractor are not equipped to handle complaints or provide relevant services to survivors, but will reference any person to relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence be reported through the project's GBV GRM, managed by a committee confidentially. All SEA/SH related complaints, with the survivor's consent, will be referenced to the project identified service provider who will further manage the case in a survivor center approach and will report back to the project GBV GRM once the case is solved.

In addition, the ESIA/ESMP will identify additional mitigation measures through a GBV/SEA/SH mitigation action plan which will be reflected in site specific ESMPs, including ESMP or specific Labour Management Plans, where required. This will include engagement with communities on gender related risks, grievance and response measures available.

### **11 Contractor Management**

The project or the project parties has the obligation to develop a standard condition of contract for each category of contract and services. Also make reasonable efforts to ascertain that the Contractor and their subcontractors hire the workers from local work forces as far as practical.

Major terms and conditions required for the contractor management are selection process for contractors' contractual provisions that will put in place relating to contractors for the management of occupational health and safety (ESS 2 paragraph 32 and labour law chapter 12); procedure for managing and monitoring the performance of contractors (paragraph 32); and collective agreements that apply to the project. Additionally, technical, financial and other specific work experience may also apply during contractor management.

The project shall demonstrate and acquire the commitment from respective parties on the conditions as indicated in the section contract management.

The contractor will construct camps for labour and engineers while supply basic human needs to be specified in the contracts. The contractor must provide workers with evidence of all payments made, including social security benefits. Or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to ERA, WB and local laws and regulations.

The ERA and MoT will monitor contractors and assigned activities, keeping records and reports on terms and conditions as mentioned in labour management procedures, proportionate to the activities and to the size of the contract, including:

- **Labour conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;
- **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labour forced labour and no trafficked labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- **Training/ professional development:** dates, number of trainees, and topics;
- **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.
- **Emergency and security:** details of risks the contractor may be exposed to while performing its work the threats may come from third parties external to the project.

The Project's oversight of contractors to set out the following procedures will be in place for contractor management, but will be adjusted to adhere to LMP provisions:

- Ensure that Contractors have valid contracts with clearly define service level agreement in accordance with national guideline and all environmental and social clauses, as applicable.
- Monthly submission of records: Contractor submission to Supervision consultant and ERA, this includes: Managing incidents and accidents, the Incident Reporting and Investigation Procedure is followed and the Incident/Accident Monitoring Register is used to monitor; and Contractor employees recorded using Contractors Employee List.
- Monthly site visits (at a minimum) and reports. This include, concerns or issues tracking using monitoring register.
- Evaluation of contractor requirements. This includes training, OH&S files, certifications and other. The evaluation results in Portfolio Reports which includes recommendations for contract extension or termination.
- Training needs identification recorded in Contractor Training Schedule for workers & project parties.

- Annual Contractor Management Plans submitted to supervision consultant and ERA.

## **12 Community Workers**

The project will not use community workers and so this is not applicable.

## **13 Applicability:**

This LMP is applicable to all components of the project and supervised by the Ethiopian Road Authority as well as the Ministry of Transport in their respective areas of intervention.

## **14 References:**

- Constitution of Ethiopia 1995
- Labour proclamation, No.1156/2019,
- Proclamation No. 568/2008 (Right to Employment of Persons with Disability)
- Proclamation No.908/2015 (Private Organization Employees' Pension (Amendment)),
- Proclamation No.300/2002 (environmental pollution control)
- World Bank Environmental and Social Framework
- ILO Convention

## 15 Annexes

### 15.1 Annex 1: Written particulars of employment

1. Name of Employer
2. Name of Worker
3. Date Employment began
4. Wage and Method of Calculation
5. Interval at which wages are paid
6. Normal Hours of work
7. Short description of worker's work
8. Probation Period
9. Annual Holiday Entitlement
10. Paid Public Holiday
11. Payment during sickness
12. Maternity Leave (if worker female)
13. Nursing Break Entitlement (for female worker)
14. Notice worker entitled to receive
15. Notice employer required to give
16. Pension Schedule, Provident Fund Gratuity Schedule etc.
17. Any other matter either party wishes to include

#### Notes:

(a) A worker is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union or Staff Association is.....

(b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.....

(c) When any heading is inapplicable enter NIL.

.....

Employer's signature

.....

Witness

Worker's signature

Witness

.....

.....

**Annex 2: Suggested Due Diligence for Social and Environmental Mitigation Measures in**

**Contracts**

<i>Stage of Contractual Process</i>	<i>Suggested Due Diligence</i>
<b>Before bidding</b>	<ul style="list-style-type: none"> <li>➤ Ensure that the terms of reference clearly define the supervision engineer’s responsibilities regarding oversight of, and reporting on, labour influx and workers’ camps. For high-risk projects, have independent safeguards supervision.</li> <li>➤ Ensure the team skills in the terms of reference clearly include key staff qualified and experienced in managing Similar projects and demonstrated capacity to manage social and environmental issues, including issues pertaining to community health and safety.</li> <li>➤ Ensure that the project GRM is established and its use is widely publicized.</li> </ul>
<b>Preparation of bidding documents</b>	<ul style="list-style-type: none"> <li>➤ Review contract conditions included in bidding documents to:               <ul style="list-style-type: none"> <li>(i) Ensure that the relevant mitigation measures in the ESMP and OHSMP are reflected and budgeted in the contract,</li> <li>(ii) Ensure the ESMP forms part of, and is explicitly referred in the bidding documents.</li> <li>(iii) Identify relevant provisions (workers, camps, child and forced labour, Occupational Health and Safety, grievance redress, etc.) regulating the contractor’s responsibility and identify any gaps, inconsistencies or areas of concern that could be addressed through additional provisions in the “particular conditions of contract” and/or technical specifications</li> <li>(iv) Include a requirement that all workers sign ‘Codes of Conduct governing behavior, and identifying sanctions</li> <li>(v) Clearly identify that training programs on implementing the Codes of Conduct, etc. will be undertaken by external providers</li> </ul> </li> <li>➤ Ensure the contract conditions clearly specify what type of penalty the contractor will face if the provisions of the ESMP, OHSMP and CESMP are not adhered to including by sub-contractors. This may include direct incentives to contractors in the form of penalties for poor performance on social, environment and OHS matters or specific Performance Securities for ESMP, OHSMP and CESMP compliance.</li> <li>➤ Ensure bidding documents make clear the responsibilities of the contractor to prepare and adhere to a CESMP based on</li> </ul>

	<p>the ESMP and that no civil works will commence until the CESMP has been approved by the supervision engineer.</p> <ul style="list-style-type: none"> <li>➤ Ensure the bidding documents detail how the contractor and supervision engineer will be required to monitor and report on the impacts on the local community, issues related to labour influx and workers’ camps.</li> <li>➤ Propose Key Performance Indicators (KPIs) for Contract Management, reflecting issues and risks specific to the contract and the monitoring plan.</li> </ul>
<p><b>After contract signing</b></p>	<ul style="list-style-type: none"> <li>➤ Prior to commencing works, the contractor submits site specific CESMP(s) based on the ESMP, which includes specific management plans for: (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) Environmental management;(v) social management; and (vi) labour influx.</li> <li>➤ Supervision engineer reviews and approves the CESMP—with inputs from appropriate Government agencies—before any works start. For high risk projects, the Bank should also review and clear the CESMP. Borrower should disclose the approved CESMP.</li> </ul>

## 15.2 Annex 3: Code of Conduct

### Preamble

The Project Code of Conduct defines labour standards that aim to achieve decent and humane working conditions. The Code’s standards are based on national law and accepted good labour practices.

Companies affiliated with the Project Management are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

The Project Management monitors compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Principles of Monitoring. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide the assessment of compliance. The Project Management expects affiliated companies to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

The Project Management provides a model of collaboration, accountability, and transparency and serves as a catalyst for positive change in workplace conditions. As an organization that promotes continuous improvement, the Project Management strives to be a global leader in establishing best practices for respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

### **Employment Relationship**

Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labour and social security laws and regulations.

### **Non-discrimination**

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

### **Harassment or Abuse**

Every worker shall be treated with respect and dignity. No worker shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

### **Forced Labour**

There shall be no use of forced labour, including bonded labour or other forms of forced labour.

### **Child Labour**

No person shall be employed under the age of 15.

### **Freedom of Association and Collective Bargaining**

Employers shall recognize and respect the right of workers to freedom of association and collective bargaining.

### **Health, Safety and Environment**

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate the negative impacts that the workplace has on the environment.

### **Hours of Work**

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country. The regular workweek shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 72 hours.

### **Compensation**



Every worker has a right to compensation for a regular workweek that is sufficient to meet the worker’s basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers’ basic needs and provide some discretionary income, each employer shall work with the Project Management to take appropriate actions that seek to progressively realize a level of compensation that does.

**Disciplinary Measures**

Breach of this code of conduct will result in disciplinary measures including (i) informal warning, (ii) formal warning, (iii) additional training, (iv) loss of up to one week’s salary, (v) suspension of employment (without payment of salary) for a minimum of one month up to a maximum of six months, (vi) termination of employment, and (vii) report to the police if warranted.

**Annexes 4: Staff Profile**

Name	
ID	
Age	
Contact Address	
Education	
Employment	
Contract Validity	
Job Description and Treatment condition	
Wages and benefits (leave, insurance, social security, allowances and others)	
Emergency contact detail	

**Annex 5: Occupational Health and Safety Training Description Format**

Training Description	Short description of training
Title	OHS training for safety representative/engineers/site workers
Venue	XXX
Date	XXX
Objective	Impart knowledge on OHS Capacity building on workplace assessment and improvement plan Knowledge and understanding on accident recording and database management
Participants Number and type	XXX Number, Awareness /ToT/onsite orientation
Methodology and methods	Lecture, group work, focal group discussion, case study presentation
Content	Introduction to OHS Workplace accident and cause investigation Workplace housekeeping and material handling Workplace safety and health committee Chemical safety at work Emergency preparedness and First aid Legal provision on OHS and onsite OHS policy Labour management procedure and labour influx Workplace assessment (hazard identification and Risk assessment) including job safety analysis Personal protective equipment Welfare facility at workplace (including labour camp operation and management)
Trainer	OHS expert, Engineer, Labour Expert,

## HORN OF AFRICA (HOA): REGIONAL ECONOMIC CORRIDOR PROJECT

Training schedule	<p>For onsite awareness: 4 hour/batch</p> <ul style="list-style-type: none"> <li>• For 2 days training: 6 hour/batch</li> <li>• For 5 days ToT: 6 hour/batch</li> </ul>
Training resources	Trainer, Financial, Physical facility including hall,
Training logistics	Computer, Multimedia, stationary, food, refreshment, handout
Training evaluation	Questionnaire and email
Estimated budget	It will be covered by the contractor
Follow up	6 months after completion







**Annex 9: Implementation Framework:**

The summary of the concern and the implementation plan for the major concern has been tabulated below:

No	Activities/issues	Mitigation measures	Responsible
	Identification and selection of project parties.	Legally registered national firm with adequate resources	ERA, Supervision Consultant, Contractor and stakeholders
	Labour conditions	Profile of workers engaged includes contracts, hours worked, remuneration and deductions (including overtime), collective bargaining agreements	ERA, Supervision Consultant, Contractor, stakeholders and workers or their representatives
	Hazardous work and process	Safe work practices <ul style="list-style-type: none"> <li>• Job safety analysis</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
	Accidents or Emergencies	Safety measures in place <ul style="list-style-type: none"> <li>• Investigation, notification, review and settlement of all issues</li> <li>• Emergency preparedness and Management Plan</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders
	Occupational health and safety requirements	Institutional arrangement through H& S officer and committees <ul style="list-style-type: none"> <li>• Operational and management guideline on labour and working condition (OHS)and OHSMF</li> <li>• COC for complying OHS provisions</li> <li>• Capacity building program</li> <li>• Performance monitoring standard scoreboard checklist</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders
	Work related diseases	Good hygiene practices <ul style="list-style-type: none"> <li>• Enhance local health care facilities</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders

Safeguards to compliance requirements	<p>Operation and management plan for personal protective equipment.</p> <ul style="list-style-type: none"> <li>Maintaining safe and healthy working environment and culture</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders
Migrants or seasonal workers	<p>Worker accommodation (labour camp management)</p> <ul style="list-style-type: none"> <li>Skill development of local people</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
Worker accommodation	<p>Worker Camp Operations Guidelines</p> <ul style="list-style-type: none"> <li>Adequate space and with basic facility of leaving, washing, sanitary and other</li> </ul> <p>waste disposal as per the labour law</p>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
Child labour or forced labour	<p>Code of conduct</p> <ul style="list-style-type: none"> <li>Orientation to PS and local community</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
Non-payment of wages, benefits and the liability (e.g. compensation, maternity benefits, leave, insurance	<p>Contract agreement and code of conduct</p> <ul style="list-style-type: none"> <li>Vigilance from law enforcement authority and compliance with the labour laws</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
Discrimination at employment including GBV	<p>Establishment of institutional framework and operational guideline</p> <ul style="list-style-type: none"> <li>Code and conduct</li> <li>Vigilance from law enforcement authority &amp; compliance with labour laws</li> <li>Community sensitization,</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives



		<ul style="list-style-type: none"> <li>• Socio-economic development of women,</li> <li>• Orientation to labour force, supervision consultant, contractors and PS</li> </ul>	
	Violence and grievances	<p>Standard grievance and GBV handling mechanism and plan.</p> <ul style="list-style-type: none"> <li>• Discourage and prevent all types of harassment, SEA, discrimination &amp;GBV.</li> <li>• Profile of worker grievances</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
	Labour influx	<p>Code and conduct to guide the workers, contractors and primary suppliers</p> <ul style="list-style-type: none"> <li>• Operation and Management plan</li> <li>• Community sensitization, Socioeconomic development of women,</li> <li>• Orientation of Supervision Consultant and Contractors</li> </ul>	ERA, Supervision Consultant, Contractor, local government and workers or their representatives
	Road traffic accident	<p>Comprehensive traffic management plan includes signs, zebra crossings, traffic light, speed breakers, speed limits at crowded places, vehicle maintenance and inspection, control loud horns, installation of GPS tracking</p> <p>Road safety awareness trainings to general public;</p> <ul style="list-style-type: none"> <li>• Capacity enhancement for traffic police and locals</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders
	Human trafficking	<p>Establish Worker Camp Operations Guidelines</p> <ul style="list-style-type: none"> <li>• Worker Code of Conduct to avoid issues of GBV Action Plan</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders

		<ul style="list-style-type: none"> <li>• Vigilance from law enforcement authority and compliance with the labour laws.</li> <li>• Display of hoarding boards about antitrafficking</li> <li>• Community orientation focusing young women and girls.</li> </ul>	
	Information disclosure and Disciplinary action	<p>Legal protocol for information disclosure and confidentiality</p> <ul style="list-style-type: none"> <li>• Provision for spokesperson or information officer</li> </ul>	ERA, Supervision Consultant, Contractor and stakeholders
	Security risks at work	Management plan for handling threats from third parties external to the project	ERA, Supervision Consultant, Contractor, local government and workers or their representatives