LABOUR MANAGEMENT PROCEDURE (LMP)

FOR

Sustainable Urban and Rural Water Supply Sanitation and Hygiene (SURWASH) Program

MARCH 2021

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LIST OF ACRONYMS

BOQ	Bill of Quantities
CoC	Code of Conduct
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FMWR	Federal Ministry of Water Resources
FPIU	Federal Project Implementation Unit
GBV	Gender Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HSE	Health Safety and Environment
ICT	Information Communication Technology
ILO	International Labor Organization (ILO)
IPF	Investment Project Financing
M&E	Monitoring and Evaluation
NAP	National Action Plan
NWC	National Working Committee
NWRI	National Water Resources Institute
PDO	Program Development Objective
PPE	Personnel Protective Equipment
RTU	Registrar of Trade Union
RUWSSA	Rural Water Supply and Sanitation Agency
SDG	Sustainable Development Goals
SEA	Sexual Exploitation and Abuse
SPESSE	Sustainable Procurement, Environmental and Social Standards Enhancement Project
SPIU	State Project Implementation Unit
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
STWSSA	Small Town Water Supply and Sanitation Agency
SURWASH	Sustainable Urban and Rural Water Supply Sanitation and Hygiene
SWA	State Water Authority
TA	Technical Assistance
TBD	To Be Determined
WASH	Water Supply Sanitation and Hygiene

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EXECUTIVE SUMMARY

To address the precarious state of Nigeria water supply, sanitation and hygiene (WASH) sector, the World Bank is proposing to support the Government of Nigeria (GoN) under the Sustainable Urban and Rural Water Supply, Sanitation and Hygiene Program. The Program will support the implementation the National Action Plan for the Revitalization of Nigeria's WASH Sector (the 'National Action Plan' or NAP). The AP serves as the Government's overall strategy and vehicle for investment and sector reforms to attain the SDGs for WASH and provides a strategy to ensure that all Nigerians have access to sustainable and safely-managed WASH services by 2030, in compliance with the Sustainable Development Goals (SDGs) for Water (Goal 6.1) and Sanitation (Goal 6.2). The proposed Program Development Objective (PDO) is to increase access to water, sanitation, and hygiene services and strengthen sector institutions in select states of Nigeria. The proposed Program takes a hybrid approach to financing instruments with two components, namely, a Program-for-Results (PforR) component and Technical Assistance (TA) component for states and select Federal institutions, which will be implemented as an IPF.

The program will be implemented in seven states, through the Federal Project Implementation Unit (FPIU) which has been set up within the Federal Ministry of Water Resources (FMWR). It will be responsible for overall Program design, implementation oversight, and M&E, as well as for procurement and implementation of federal activities, namely TA. The seven States are Delta Ekiti, Gombe, Imo, Kaduna, Katsina, and Plateau. At the state level, the State Project Implementation Units (SPIUs) will be established within all Program states, and will be responsible for Program design, implementation oversight, and M&E for all activities within their state.

The aim of the LMP is to identify the main labor requirements and risks associated with the Investment Project Financing (IPF) component of the SURWASH which supports technical assistance activities within sector agencies at both the Federal and state level. The LMP has been prepared for the Nigeria SURWASH Program to ensure compliance with Environmental and Social Standard 2 (ESS 2) on Labour and Working Conditions. The Labour Management Procedures (LMP) has been prepared in accordance to the Nigeria Labour Act of 2004 as well as the World Bank's Environmental and Social Framework (ESF), specifically the Environmental and Social Standard 2: Labour and Working Conditions (ESS2). Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the IPF / TA by identifying the main labour requirements, the associated risks, and the procedures and resources necessary to address the IPF / TA-related labour issues.

The SURWASH program activities will include different categories of workers, who will be engaged in the different activities. The three categories of workers relevant to the SURWASH IPF/TA component are direct workers, contracted workers, and primary supply workers. Workers will comprise a mix of government civil servants from various relevant line ministries, staff of the project implementing units, and those deployed as technical consultants" – full and part-time by the FPIU and State PIUs (SPIUs) – under the Program. Two categories of contracted workers envisaged in the Program are: (i) consultant service providers who will provide implementation support services to the FPIU and SPIU and the staff of contractors, suppliers, and (ii). contractors to be subcontracted to arrange supply of ICT and office equipment, Stationaries and communication equipment, etc. Primary suppliers are suppliers who, on an ongoing basis, provide

goods or materials directly to the IPF/TA programs. There are suppliers registered with the FPIU and SPIUs and the database is subject to regular review in accordance with SURWASH Program.

The main labour risks associated with the Program are assessed to be related to the potentially hazardous work environment; associated risk of accidents; and Gender-Based Violence (GBV), Gender imbalance in the work force/exclusions and, pay disparities. Specific potential risks include exploitative wages due to keen desire to get jobs; over-time and excessive working hours without compensation and break periods; grievances from gender-based violence; poor working conditions (unsafe work environment, lack of workers' rights, etc.); possibility of forced labour and child labour; inequality during recruitment and discrimination against women, girls and vulnerable people; inadequate provision of Personal Protective Equipment (PPEs); delay in payment of remuneration fees, wages, stipends, salaries etc., for consultants and Program workers; unfair recruitment practices; potential risk of exposure to COVID 19 infection; increase in incidents and accidents during Program implementation; inadequate or non-existence of compensation plan for accidents victims, security risks, discrimination and exclusion of vulnerable/disadvantaged groups. The mitigation measures and monitoring actions against these risks are outlined in the labour management plan.

To handle labour related issues, Nigeria has laws, regulations and policies some of which the requirements are in line with that of the Bank although discrepancies exits. The Federal Ministry of Labour and Employment (FML&E) has the authority and capacity to ensure appropriate labour management in the country; its institutional framework is adequate to accommodate and oversee the implementation of requirements under the World Bank's ESS 2 – Labour and Working Conditions. Some States also have the Ministry of Labour that deal with specific Labour related issues in their states.

The Nigeria Labour Act 2004 makes provisions for the protection of employees and it covers issues related to protection of wages; contracts of employment and terms and conditions of employment; fair treatment and equal opportunities of Program workers; hours of work and overtime; employment of women; labour health matters/ occupational health and safety; prohibition of forced labour; and labour complaints. Also, according to the Nigeria Labour Act, the minimum age of employment shall be 16 years and employers are to ensure that all employees are at or above this age.

The IPF/TA program activities will maintain labour relations with workers through a Code of Conduct (CoC). The CoC commits all persons engaged by the IPF /TA program, including direct and indirect workers to acceptable standards of behaviour. The CoC must include sanctions for non-compliance, including specific policies related to GBV, sexual exploitation and harassment. The CoC should be signed by all workers, each worker, upon signing employment contract. In implementing an effective dispute management system, consideration must be given to the workers' Grievance Redress Mechanism (GRM) which includes disciplinary action, individual grievances, collective grievances and negotiation of collective grievances, GBV, sexual exploitation and workplace sexual harassment. The workers' GRM should be functional from the day the contractor signed contract with the Program.

The FPIU and SPIUs shall ensure that Occupational Health and Safety of workers are managed so as to minimize any associated risks and impacts.

As a core contractual requirement, all consultant/contractor are required to ensure all documentation related to environmental and social risk management, including the LMP, is available for inspection at any time by FPIU/SPIU-appointed agents. Under no circumstances will FPIU, SPIU, all relevant MDAs, consultant /contractors, suppliers or sub-contractors should engage forced labour or child labour.

The provisions of this LMP shall be included in the conditions of contract of the bidding documents and all associated costs, where relevant including the Bill of Quantities (BOQ) as well as into the contractors' contract. Moreover, the LMP can be incorporated in the "Scope of Works and Particular Requirements" under the section "Work Requirements" along with Traffic Management Plan (TMP), Occupational Health Safety Plan (OHSP), Community Health and Safety, etc. All the IPF/TA program contractor workers must follow and comply with the LMP while employing labours for different works within the SURWASH program.

The LMP is a living document, which is initiated early in Program preparation, and is reviewed and updated throughout development and implementation of the Progam.

CHAPTER ONE: INTRODUCTION

Nigeria's WASH sector is in a precarious state. In 2019, approximately 60 million Nigerians living without access to basic drinking water services, 80 million without access to improved sanitation facilities and 167 million without access to a basic handwashing facility.[1,2] Strikingly, Nigeria is set to become the country with the most open defecators in the world,[3] with 23 percent of Nigerians practicing open defecation. The situation is even worse regionally – 51 percent of the population in the North Central Region practices open defecation. In rural areas, 39 percent of households lack access to at least basic water supply services, while only half have access to improved sanitation and almost a third (29 percent) practice open defecation – a fraction that has marginally changed since 1990.[4] In urban areas, poor performance has plagued Nigeria's water utilities for decades, while faecal sludge is largely released untreated into the environment. While 92 percent of urban residents had access to basic drinking water services in 2019, this figure is distorted by the fact that urban water utilities largely fail to meet the needs of their already small customer base, forcing a majority of people to rely on expensive and often unsafe coping alternatives, such as private water vendors and shallow private wells.[5] Tragically, access to piped water on premises in urban areas declined from 32 percent in 1990[6] to 7 percent in 2019,[7] and the performance of Nigeria's utilities is significantly below the African average across most indicators.[8] Although access to improved sanitation in urban areas is relatively high at 82 percent, access to safely managed sanitation services[9] is a paltry 25 percent,[10] as only the capital city of Abuja has a piped sewer network and wastewater treatment plant. This situation was made worse by COVID-19 pandemic given the need for a safely managed WASH services in both protecting human health and mitigating secondary impacts on community livelihoods.

To deal with this problem, the World Bank is proposing to support the Government of Nigeria (GoN) under the Sustainable Urban and Rural Water Supply, Sanitation and Hygiene Program

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[1] Basic drinking water services are from an improved source, provided collection time is not more than 30 minutes round trip including queuing. Improved drinking water sources are those that have the potential to deliver safe water by nature of their design and construction, including piped water, boreholes or tubewells, protected dug wells, protected springs, rainwater, and packaged or delivered water. Improved sanitation facilities are those designed to hygienically separate excreta from human contact, including flush/pour flush to piped sewer system, septic tanks or pit latrines; ventilated improved pit latrines, composting toilets or pit latrines with slabs. Basic handwashing facilities are those located on premises with soap and water.

[2] Federal Ministry of Water Resources (FMWR), Government of Nigeria, National Bureau of Statistics (NBS) and UNICEF. 2020. Water, Sanitation and Hygiene: National Outcome Routine Mapping (WASH NORM) 2019: A Report of Findings. FCT Abuja. Nigeria.

[3] Although India still had a greater number of open defecators per JMP's latest 2017 data, it has continued to make significant progress on improving access to improved sanitation and changing behaviors.

[4] WASHNORM 2019

[5] In 2019, only 16 of 36 states plus FCT had functional urban water utilities that produce water. About 58 percent of waterworks were nonfuctional. More than two-thirds (64 percent) of urban water utilities' consumers did not depend solely on their public tap for drinking water (WASHNORM 2019).

[6] WHO (World Health Organization), and UNICEF (United Nations Children's Fund). 2015. 25 Years Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment. Geneva: WHO.

[7] WASHNORM 2019.

[8] World Bank, 2017. A Wake-Up Call: Nigeria Water Supply, Sanitation, and Hygiene Poverty Diagnostic.

[9] Use of improved facilities which are not shared with other households and where excreta are safely disposed in situ or transported and treated off-site

[10] WASHNORM 2019.

(SURWASH). The Program will support the implementation the National Action Plan for the Revitalization of Nigeria's WASH Sector (the 'National Action Plan' or NAP). The AP serves as the Government's overall strategy and vehicle for investment and sector reforms to attain the SDGs for WASH and provides a strategy to ensure that all Nigerians have access to sustainable and safely-managed WASH services by 2030, in compliance with the Sustainable Development Goals (SDGs) for Water (Goal 6.1) and Sanitation (Goal 6.2). The Program will target both rural, small town and urban water supply. The proposed Program takes a hybrid approach to financing instruments with two components that support Government of Nigeria in achieving their objective: (i) a US$640 million Program-for-Results (PforR); and (ii) a US$60 million Technical Assistance (TA) component for states and select Federal institutions, which will be implemented as an IPF to address critical institutional development and capacity gaps within implementing institutions.

The proposed Program Development Objective (PDO) is to increase access to water, sanitation, and hygiene services and strengthen sector institutions in select states of Nigeria.

1.1 Program Background

This Labour Management Procedure (LMP) concern largely the Investment Project Financing component of the SURWASH which supports technical assistance activities within sector agencies at both the Federal and state level. Specific activities to be carried out by the responsible implementation agencies, include:

- **Sector Policy and Strategy Support to the FMWR.** To improve the efficiency of program activities and promote sustainability and resilience of built infrastructure, this technical support package will assist the FMWR in developing policies, guidelines, and strategies that can be easily implemented and adapted in the differing contexts across Nigeria. It will also develop their capacity for overall program coordination and results-verification. This support will assist *inter alia* in the development of: (a) advisory services for performance improvement of urban utilities, including through different types of PPP arrangements; (b) advisory services for the improvement of the sector's intergovernmental systems, thereby optimizing the use of resources and focusing on performance; (c) a menu of technology options and standard guidelines for the construction and rehabilitation of WASH facilities, with special consideration given to water source and environmental protection, water quality standards, gender and disability inclusion, climate adaptation strategies, and the promotion of renewable energy sources, including non-carbon-based solutions; (d) a menu of innovative WASH facility management modalities aside from standard community-based management; and (e) program coordination capacities, including credible verification agency (CVA) management.
- **Strengthening national WASH structures critical to Program delivery.** This component will additionally support key national institutions critical to the strategic direction and oversight of the national program, including the national secretariats of the NAP, PEWASH, and Clean Nigeria: Use the Toilet campaign.
- **Development of National WASH Management Information System (MIS).** This component will support the design, development, and implementation of a national harmonized information system at all levels of government that supports integrated monitoring, reporting, and evaluation of WASH infrastructure, management modalities, and programs. This system will be tailored explicitly to inform decision-making in policy formulation, planning, and resource allocation in the WASH sector, and will build upon

existing systems where feasible.

- **Technical, Environmental, Social, and Fiduciary Systems Capacity Building within Sector Agencies**. The Technical Assessment, the ESSA, and the Fiduciary Systems Assessment (FSA) carried out by the World Bank have identified a number of institutional and capacity gaps in federal, state, and local-level sector institutions that will be addressed through the Program's IPF financing window. While Program states will be supported to address immediate institutional and capacity gaps required for Program implementation, support to additional states that meet the eligibility criteria (see Annex 9) will focus on preparing them for future investment.
    - **Technical Capacity Building.** The focus is on building capacities to monitor, ensure quality, and improve and sustain WASH service delivery, and develop master plans and feasibility studies of pipeline projects climate risks, namely water scarcity, droughts, and floods.
    - **E&S Capacity Building of implementing agencies across all tiers of Government: State-level** E&S capacity will be strengthened through this component, including with respect to the policy enabling environment, risk management, funding, and staffing. Capacities of the WASH agencies at all levels will be enhanced to conduct E&S due diligence in a sound manner and undertake sustainable planning and design using E&S instruments. In addition, monitoring capacities will be developed to ensure that the operation of WASH facilities, regardless of type and scale, are managed in accordance with best practice environmental, community and occupational health and safety standards, including especially the management of pollution incidents. E&S risk management supervision strengthening will be conducted in partnership with the SPESSE project.
    - **Fiduciary Systems Capacity Building**. To address the varying capacity and staffing levels at State PIUs and local implementation agencies, this component will support training and capacity building of existing staff and the hiring of qualified and experienced fiduciary staff as required.
- **Capacity building of National Water Resources Institute (NWRI) and academic institutions.** A parastatal of the FMWR, the NWRI delivers trainings and capacity building within the WASH sector through ongoing education and post-graduate opportunities. Given its critical role, the IPF component will support NWRI and affiliated universities in addressing capacity constraints within Nigeria's WASH sector. Support will address insufficient facilities and equipment, as well as academic and administrative staffing shortages.

Engagement of a credible verification agent (CVA). The IPF will finance the engagement of a CVA throughout the Program period to undertake verification of the achievement of DLIs across the results areas in all Program states. The FMWR is preparing a detailed verification protocol and TOR to engage the CVA using the agreed procurement process and supervise and manage them in line with the POM. The results of the verification exercise as submitted by the CVA and validated by the FMWR will serve as a basis of annual disbursement after the World Bank task team has provided necessary concurrence. The verification procedure for achievement of DLI 1 by the FMWR will be decided upon prior to DM.

The TA component is subject to the World Bank's Environmental and Social Framework (ESF) and the relevant Standards are ESS1, ESS2 and ESS10. Based on risk assessment of the TA/IPF component vis-a vis strengthening institutional support for state coordination and delivery at the Federal Level, the Labour Management Procedure (LMP) applies following the requirements of the Environmental and Social Framework of the Word Bank. The LMP will strengthen the capacity of the FPIU/SPIU to provide sufficient quality assurance, monitoring and oversight on all IPF/TA activities.

1.2 Labour Management Procedures

This Labour Management Procedure (LMP) has been prepared for the Nigeria SURWASH Program to ensure compliance with Environmental and Social Standard 2 (ESS 2) on Labour and Working Conditions. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the IPF / TA by identifying the main labour requirements, the associated risks, and the procedures and resources necessary to address the IPF / TA-related labour issues. This LMP sets out general guidance relevant to labour risks associated with Result Area One which will support activities designed to enact necessary policy reforms and enhance the capacity of institutions required for effective and sustainable service delivery, including the FMWR, state and local governments, service providers, technical assistance providers, and community-based organizations. .

The LMP will be reviewed continually during implementation and adequate measures and procedures to manage negative impacts will be put in defined.

1.3 Objectives of LMP

The LMP is developed taking into consideration the ESS 2 which specifies the requirements for the management of labour and working conditions. The LMP seeks to achieve the following specific objectives:

- Establish arrangements to appropriately manage and protect the OHS and welfare of workers including both employees and contractors and others who may be exposed to risks associated with the IPF/TA activities;
- Ensure that employees understand their rights in relation to labour and working conditions;
- Allow employees to exercise their right to freedom of association and collective bargaining;
- Provide employees and contractors with a feedback mechanism for them to raise feedback, concerns, complaints and grievances and to receive information on the response and any associated corrective action;
- Prevent discrimination in hiring, remuneration, access to training, on the grounds of race, national or social origin, birth, religion, disability, gender, sexual orientation, union membership, political opinions and age and promote equal opportunities;
- Manage disciplinary practices and grievances in a manner that treats those affected individuals with respect and dignity and without threat, abuse or ill-treatment;
- Ban the use or support of child, forced or compulsory labour in direct operations and in the supply chain;

1.4 Scope of Labor Management Procedures

The LMP describes the requirements and expectations in terms of compliance, reporting, roles, supervision and training with respect to labour and working conditions, including camp accommodation. It covers all categories of workers but does not cover government workers/civil servants working in connection with the IPF /TA programs except there is a legal transfer of their employment or engagement. The LMP will set out the following procedures.

- Overview of labour use on the project;
- Assessment of key potential labour risks;
- Brief overview of labor legislation (Terms and conditions);
- Brief overview of labor legislation (Occupational Health and Safety;
- Responsible Staff;
- Policies and procedures;
- Age of employment;
- Terms and Conditions;
- Grievance Mechanism;
- Contractor Management; and
- Primary Supply Workers

1.5 SURWASH Implementation Arrangements / Result Areas

This section gives a brief summary of the proposed SURWASH program. The program will be implemented in seven states, through the Federal Project Implementation Unit (FPIU) which has been set up within the Federal Ministry of Water Resources (FMWR). It will be responsible for overall Program design, implementation oversight, and M&E, as well as for procurement and implementation of federal activities, namely TA. The seven Program States are Delta Ekiti, Gombe, Imo, Kaduna, Katsina, and Plateau. At the state level, the States Project Implementation Units (SPIUs) will be established within all Program states, and will be responsible for Program design, implementation oversight, and M&E for all activities within their state. Program funds will be channelled through the Federal Ministry of Finance directly to the states in accordance with the cost-sharing agreement with the FMWR. The Institutional relationship between the Federal and the State level operation is shown in figures 1.1 and 1.2 below:

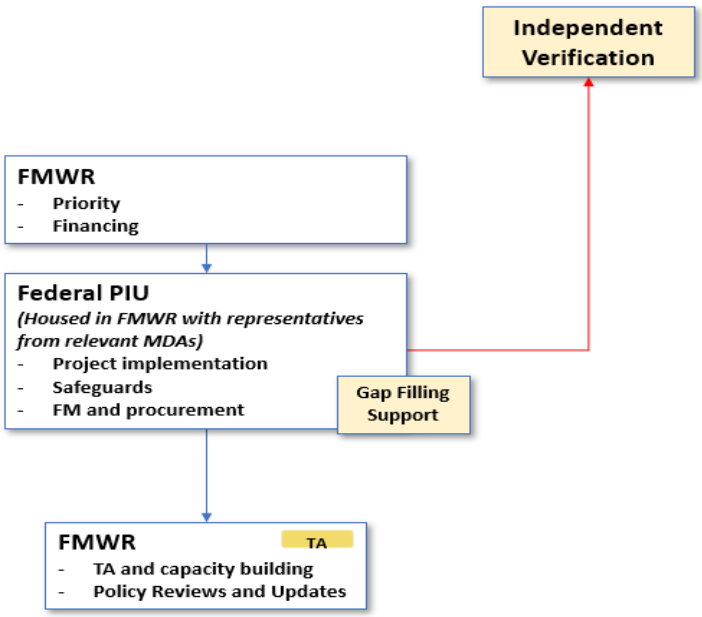


Figure 1. 1: Implementation arrangement at the Federal Level

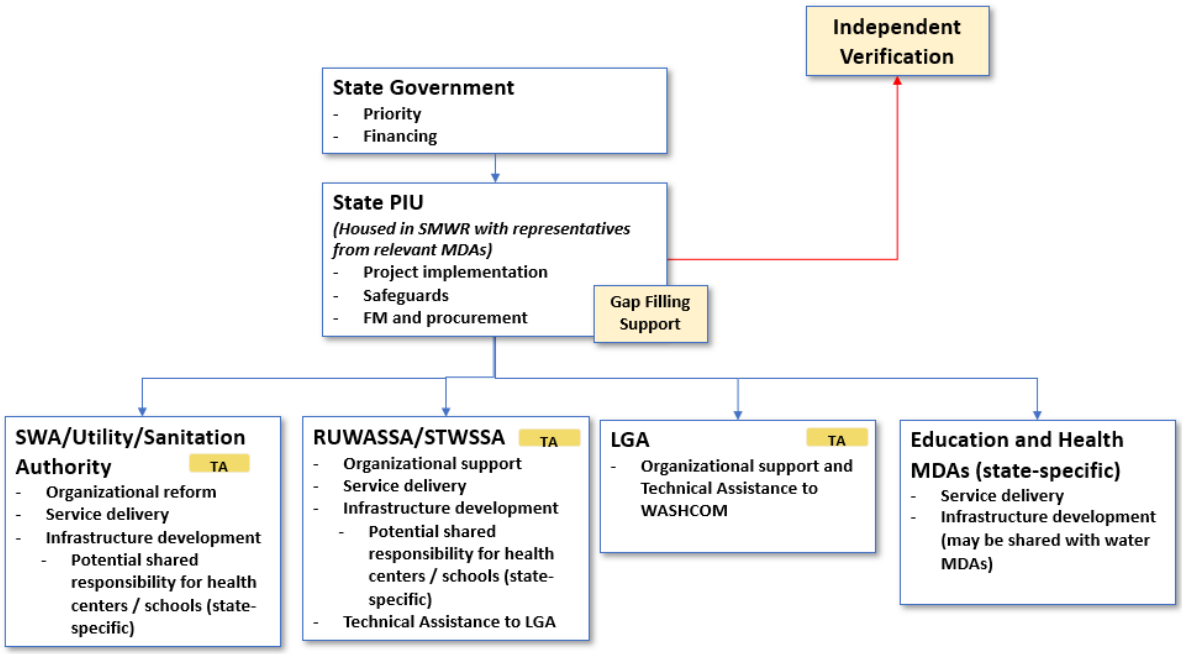


Figure 1. 2: Implementation arrangement at the State Level

1.5.1 Program Result Areas/ Components

The Program components of SURWASH have two result areas namely:

Results Area 1: Strengthened Sector Policies and Institutional Capacity for Improved Services: The RA will support activities designed to enact necessary policy reforms and enhance the capacity of institutions required for effective and sustainable service delivery, including the FMWR, state and local governments, service providers, technical assistance providers, and community-based organizations.

Results Area 2: Improved Access to Water Supply, Sanitation and Hygiene Services: This RA will support an integrated package of investments to expand the access and use of WASH services in urban and rural areas and small towns. The Program embraces an LGA-wide approach to WASH, whereby participating LGAs will be supported to address critical gaps simultaneously in water supply, sanitation, and hygiene, and within communities, public institutions and public places. It includes the development of priority infrastructure to improve water supply service delivery, supports the implementation of the Clean Nigeria: Use the Toilet Campaign to improve sanitation and hygiene practices, and the development of WASH infrastructure in institutions (schools and healthcare facilities) and public places (markets, motor parks, etc.).

CHAPTER TWO: OVERVIEW OF LABOUR USE IN THE TECHNICAL ASSISTANCE COMPONENT OF NIGERIA SURWASH PRORAMME

This chapter examines the LMP with respect to the IPF/TA Component for the Nigeria SURWASH Programs' to ensure compliance with Environmental and Social Standard 2 (ESS 2) on Labour and Working Conditions of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the Government of Nigeria. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the project by identifying the main labour requirements, the associated risks, and the procedures and resources necessary to address the project-related labour issues. The LMP sets out general guidance relevant to different forms of labour but also issues and concerns that relate to SURWASH program considerations.

2.1 Types of Workers

The SURWASH program activities will include different categories of workers, who will be engaged in different activities. With regard to ESS2, workers required for any program can be classified into the following four groups: direct workers, contracted workers, community workers and primary supply workers. The three categories of workers relevant to the SURWASH IPA/TA component are described below.

a) Direct workers

Direct workers include people employed or engaged directly by the Government of Nigeria. This category of workers will comprise a mix of government civil servants from various relevant line ministries, staff of the project implementing units, and those deployed as technical consultants" – full and part-time by the FPIU and State PIUs (SPIUs) – under the program. Direct workers will comprise project staff hired as consultants; and Ministry staff seconded from the civil service. The IPF/TA will be implemented by the FPIU and SPIUs. The requirements of paragraphs 9 to 30 of ESS2 will apply to direct workers. These officers are found in the FPIU and SPIUs and they will serve as National Coordinator/State Coordinators, Technical Officers, Procurement Officer, Internal Auditor, Accountant, Financial Officer, Monitoring & Evaluation Officer, Gender Officer, Environmental Officer, Social Development Officer and Communications Officer. Additional workforce at the SPIU will be determined at State level. The FPIU/SPIUs will be set up prior to Program effectiveness and are maintained throughout Program implementation.

b) Contracted workers

Contract workers include people employed or engaged through FPIU and SPIU and third parties to perform work related to core functions of the Program, regardless of location. Two broad categories of contracted workers are expected. Firstly, consultant service providers who will provide implementation support services to the FPIU and SPIU. These include consultants that will be involved in capacity building, those that will be involved in procurement, those that will be involved in development of management information system especially Computer Engineers, and software and hardware experts, etc. Secondly, the staff of contractors, suppliers, and contractors to be subcontracted to arrange supply of ICT and office equipment, Stationaries and communication equipment, etc. The requirements of paragraphs 9 to 33 of ESS2 will apply to contracted workers. Contractors will also employ people from the community that have the required capacity and skill.

c) Primary Supply Workers

Primary Supply workers include people employed or engaged by the GoN's as primary suppliers. These are suppliers who, on an ongoing basis, provide directly to the Program goods or materials essential for the core functions of the project. The FPIU and SPIU teams must ensure that contractors or suppliers engaged to work in this Program have sound environmental standards and management practices in place. Therefore, all suppliers to the IPF/TA must be assessed to ensure compliance to the required environmental and social management standards. The assessment should be embedded in in the tendering, hiring and contracting processes, and any due diligence measures required in the sourcing of supplies for the IPF/TA activities. The bidding documents for works will include specific requirements that minimize the use of workers from outside the vicinity. While hiring labour from local communities, the contractors will ensure that workers are hired as contract labour and not temporary/day wage labour to the extent possible. The contract documents for works as well as for monitoring consultants require explicit Codes of Conduct to be signed by all workers. Periodic mandatory training of all workers on SEA issues and Code of Conduct. The contractor shall develop a Gender Based Violence (GBV) Action Plan including an Accountability and Response Framework to be included in the contractor ESMP. The requirements of paragraphs 39 to 42 of ESS 2 will apply to primary supply workers.

d) Government civil servants

Where government civil servants are working in connection with the SURWASH, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the Program. ESS2 will not apply to such government civil servants, except for the provisions of paragraphs 17 to 20 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

2.2 Number of Project Workers

The FPIU is projected to have thirty workers made up of ten Consultants/contract (including the IVA); and twenty workers from the civil service commission. The SPIUs are expected to have thirty-five workers made up of ten Consultants/contract (including the IVA); and twenty-five workers from the Civil service commission. The workers in the FPIU and SPIU will include the Project Coordinator, Environmental and Social Officers and consultants, Procurement Officers and consultants, among others. The other participating agencies STWSSA, RUWASSA, etc., are identified below.

Table 2. 1: Estimated labour requirements for workers for the Proposed Intervention*

S/No	Participating Ministries/Government Agencies	No. of workers	Contract Staff/Consultants	Civil Servants
1.	Federal Project Implementation Unit	30	10	20
2.	State Project Implementation Unit	35	10	25
3.	Small Town Water Supply and Sanitation Agency (STWSSA) for small town WASH	20	5	15
4.	Rural Water Supply and Sanitation Agency (RUWASSA) for rural WASH	20	5	15

5.	Federal Ministry of Water Resources	5	-	5
6.	Federal Ministry of Finance	5	-	5
7.	State Ministry of Water Resources	10	-	10
8.	State Water Authority (SWA) for urban water supply	10	2	8
9.	State urban sanitation authority	tbd	tbd	Tbd
10.	State WASH regulatory agency	tbd	tbd	Tbd
11.	Local Government Area (LGA)**	5	1	4
12.	Federal Ministry of Health	5	-	5
13.	Federal Ministry of Education	5	-	5
14.	National Water Resources Institute (NWRI)	10	-	10
15.	State Ministry of Health	5	-	5
16.	State Ministry of Education	5	-	5
17.	State Ministry of Environment	tbd	tbd	Tbd
18.	State Ministry of Women/Social Development/labor	tbd	tbd	Tbd

* The requirements for States are for each State. ** The requirement of LGA is one each LGA.

2.3 Characterization of Labor requirements

Given the nature of the IPF/TA activities, workforce will comprise of both skilled and unskilled labor, technical staff, community representatives and government civil servants. The TA will also support states and local governments to hire more workers (with priority on female workers) and propagating codes of conduct and ethics that would help make workplace more welcoming and supportive of female workers.

2.4 Project Implementation Schedule and Activities

The direct workers will be required full time and year around for the IPF/TA duration of five years. Consultants will also be required full time and on an intermittent basis. The primary workers will be hired and used as the need arise.

CHAPTER THREE: KEY POTENTIAL LABOUR RISKS & MITIGATION MEASURES

3.1 Introduction

This chapter examines the potential labor risks and mitigation measures associated with the Nigeria Sustainable Urban and Rural Water Supply, Sanitation and Hygiene (SURWASH) IPF/ Technical Assistance Component.

3.2 Potential Risks and Impacts

The activities of the SURWASH IPF/TA include the development of National WASH Management Information System, capacity building in E&S, and Technical, among others which will require the use of ICT systems in office setting, procurements, meetings and workshops and processing of applications and when ICT systems are being upgraded and for data management. The activities will also include strengthening of WASH structures, policy and strategy and capacity building. Thus, interactions in the office environment, may pose a certain level of occupational, health and safety risks especially with the prevalent COVID-19 infection, especially if proper hygiene, safety precautions and social distancing measures are not adhered to. To prevent spread of COVID-19, FPIU, SPIUs and all contractors will follow, and apply the Nigeria Centre for Disease Control (NCDC) guideline /protocol on COVID -19 for all workers, ensure provision of basic handwashing / sanitation facilities including temperature testing equipment at all point of entry to the office and promote use of face mask/ shield where social distancing cannot be achieved. Other risks and mitigation measures are identified and summarized below.

3.2.1 The identified potential labour and OHS risks and impacts

The identified labour and OHS risks and impacts in the Labour Management procedures following the activities of the program are as follows:

Key Potential Risks.

- Exploitative wages due to keen desire to get jobs
- Discriminatory recruitment/hiring
- Over-time and excessive working hours without compensation and break periods
- Grievances from Gender-Based Violence
- Gender imbalance in decision making position
- Poor working conditions (unsafe work environment, lack of workers' rights, etc.
- Possibility of forced labour and child labour
- Inequality during recruitment and discrimination against women, girls and vulnerable people
- Inadequate provision of Personal Protective Equipment (PPE)
- Increase in on-the-job accidents
- Delay in payment of remuneration fees, wages, stipends, salaries etc., for consultants and project workers
- Unfair recruitment practices
- Potential risk of exposure to COVID-19 infection
- Increase in incidents and accidents during project implementation
- Inadequate or non-existence of compensation plan for accidents victims
- Labor disputes over terms and conditions of employment

- Security risks
- Discrimination and exclusion of vulnerable/disadvantaged groups

3.3 Labor Management Plan

To have a well-defined plan for mitigating some of the potential risks above, Table 3.1 outlines the Labour Management Plan. The Federal and the State Project Implementation Units will be responsible for monitoring and implementation of this LMP.

Table 3. 1: Labour Management Plan

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
LABOUR RISKS			
Discriminatory recruitment/ hiring and gender imbalance in decision making positions	Employment will be based on equal opportunity. This will be indicated in the advertisement for recruitment/hiring of people into positions. Ensure gender balance in decision making positions.	Job advert documents Record/List of individuals in decision making positions	FPIU/SPIU
Exploitative wages due to keen desire to get jobs	Program workers will be paid on a regular basis as required by national law and labour management with a principle of "equal pay for equal work/job performed"	Salary/Remuneration Pay-slip	FPIU/SPIU
Over-time and excessive working hours without compensation and break periods	Design and implement Human Resource policies and procedures which should include guidelines with respect to: Minimum Wage; Minimum age of workers; working hours, contracting terms, leave, equality and diversity, collective bargaining, hiring, working conditions; provision of PPEs; recruitment etc. Train workforce on all HR policies and protocols, labour standards and ensure workforce understand their terms and conditions prior to engagement	Presence of HR Policy Random Sampling of workers who understand their terms and conditions of engagement Record of Trainings on HR Policy and Protocols Number of trainings organised	FPIU/SPIU

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
Grievances from Gender-Based Violence (GBV)	Train workers on GBV (SEA risks) and ensure that they understand all protocols prior to engagement Implement existing program GRM	Number of workers who received trainings Number of GBV complaints and addressed Presence of GBV Plan	FPIU/SPIU
Poor working conditions (unsafe work environment, lack of workers' rights, etc	Workstations must be conducive such as good sanitation facilities separate for male and female, well ventilated rooms, basic amenities (good ergonomics) All program workers will be provided with adequate periods of rest per day (break periods) sick leave, maternity and paternity leave as required by national law. Ensure that workstations, common areas are routinely cleaned and organized with appropriate signage in place and that grounds are maintained	Presence of good workstations / with adequate supply of basic amenities Regular monitoring of workstations Number of issues raised and addressed	FPIU/SPIU
Forced Labour	Design and implement Human Resources Policies and Protocols in line with the requirement of Nigeria's Labour Act and ESS 2 Procurement will ensure that no forced Labour exists in the program by developing terms of reference for all engaged staff (consultants/contract staff) gathering documents and appropriate proof. A consent section will be part of the employee signed employment contract. Contractors will ensure that if Labour is sourced from any subcontracting agency, the workers are not subject to coercion and forced Labour conditions.	Number of complaints received Number of complaints resolved Evidence of Terms of Reference	Personnel and Procurement Unit within the FPIU/SPIU

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
	Provide complaint box		
Child Labour	The minimum age of Eighteen (18) years will be enforced at recruitment.	Absence of minors within the workforce	FPIU/SPIU Contractor
CONTRACTOR			
Community grievances and social threats	Develop, train and implement Workers' Code of Conduct Develop and train workforce on Grievance Redress Mechanism Monitor adherence to Code of Conduct.	Number of workers that received induction on code of conduct and GBV. Presence of Code of Conduct and GBV Number of GBV cases reported and resolved	FPIU/SPIU Contractor
Inadequate provision of Personal Protective Equipment (PPE)	Provide PPEs and train workers on usage as appropriate	Number of PPEs provided Number of incidents and accidents	FPIU/SPIU Contractor
Inequality during recruitment and discrimination against women, girls and vulnerable people	The program should ensure non-discrimination in staff recruitment. The employment of program 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, hiring and compensation	Total number of staff employed Number of women employed	FPIU/SPIU Contractor
Unfair recruitment practices	Develop pre-qualification screening procedure for all consultants/contractors and suppliers The FPIU/SPIU should follow the in-country procurement procedures Enlist the assistance of a professional procurement consultant	Number of contractors pre-qualified Number of Procurement Consultant engaged	FPIU/SPIU Task Team from the World Bank

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
	Potential consultants/contractors should be verified by the concern party from the World Bank Team. The Task team of the Bank should closely supervise the Contractor Recruitment Plan and ensure fairness of Employment Terms and Conditions against the applicable and prevailing National regulations		
OCCUPATIONAL HEALTH & SAFETY RISKS			
Increase in incidents and accidents program implementation	Develop and implement a Hazard Identification and Control Plan Update and train workers on OHS Management System	Hazard Identification and Control Plan prepared and implemented Number of incidents and accidents reported Number of incidents and accidents addressed Presence of OHS system Record and minutes of OHS Training	FPIU/SPIU Contractor
Poor working conditions, inadequate provision of Personal Protective Equipment (PPE)	Implement and ensure workers understand the program health and safety plan Provide and train workforce on usage of PPE	Number of PPEs provided and utilized Number of staff trained on use of PPEs	FPIU/SPIU Contractor
Possibility of forced and child labour	Develop worker engagement procedure	Workers Engagement Procedure developed and implemented	FPIU/SPIU Contractor
COMMUNITY HEALTH & SAFETY RISK			
Fear due to COVID-19	Implement social distancing and train program workers on COVID-19, regular awareness and sensitization on COVID-19 guidelines, enforce wearing of face mask, provision of basic sanitation facilities and	Workers wearing the right PPEs (Facemask, Face-shield) Number of staff trained on preventive measures / Numbers	FPIU/SPIU Contractor

Potential Risks	Mitigation Measures	Monitoring Actions	Responsibility
	temperature testing equipment etc. in line with NCDC protocol	of available and functional COVID detection /prevention facilities.	
Fear due to other communicable diseases	Implement staff periodic medical/health surveillance and testing for communicable diseases.	Number of staff examined or submitted required medical certificate	FPIU/SPIU Contractor
Non-existence of compensation plan for accidents victims	Avail staff of the awareness of program compensation policy FPIU/SPIU must ensure they follow the Labour Act and Compensation Plan for accident victims	Number of awareness workshops conducted and participants	FPIU/SPIU Contractor
Grievances and social threats	Ensure the strict implementation of Labour Management Plan to minimize social unrest. Contractors should be hired through a systematic process.	Number of complaints reported and addressed	FPIU/SPIU
SECURITY RISKS			
	The TA will assist the client in preparing a Security Management Plan (SMP); Prior to deploying security personnel, the program shall take measures to ensure that security personnel are: (i) screened to confirm that they have not engaged in past unlawful or abusive behaviour, including excessive use of force; and (ii) adequately instructed and trained, on a regular basis, on the use of force and appropriate behaviour and conduct	Security Management Plan (SMP) prepared and implemented	FPIU/SPIU

3.3.2 Gender Based Violence

Gender Based issues have been receiving global attention. Nigeria's diversity and distinct socio-economic, cultural and political contexts across the geopolitical regions and states results in different gender related vulnerabilities. While gender inequitable norms prevail throughout the country, these vary by region and interact with other structural, community and individual factors exposing women, girls and boys to some forms of GBV more than others. The socioeconomic status of women and girls in the northern zones lags behind those in the south: only 3 percent of

girls in the North complete secondary school, over two-thirds aged 15-19 years are unable to read compared to less than 10 percent in the South, and 76 percent are married by age 18 in the northwest part of Nigeria. Efforts will be made to ensure that. The implementing agencies of SURWASH program especially the IPF/TA component will ensure that GBV mitigation measures are implemented throughout the life cycle of the program.

Manifestations of GBV in the Workplace

The act of violence manifests itself in several ways in the workplace. To properly understand the act of violence or its manifestation, one must consider whether the act reflects and/or reinforces unequal power relations between males and females. Many—but not all—forms of GBV are criminal acts in Nigeria laws and policies.

- Physical Violence (such as slapping, kicking, hitting or use of weapons)
- Emotional abuse (such as systematic humiliation, controlling behaviour, degrading treatment, insults, and threats);
- Sexual violence, which includes any form of non-consensual sexual contact, including rape;

Economic abuse and the denial of resources, services, and opportunities (such as restricting access to financial, health, educational, or other resources with the purpose of controlling or subjugating a person).

CHAPTER FOUR: BRIEF REVIEW OF LABOUR LEGISLATION

4.1 Introduction

This section outlines relevant labour laws, policies and regulations that are applicable within the scope of work in accordance with Nigeria and the World Bank requirement for this program. Giving that States do not have labour laws, the labour laws in Nigeria is applicable to the federal and state levels. These requirements are seen in the sub-sections below:

4.2 Labor Policy Institutional Framework

The Federal Ministry of Labour and Employment (FML&E) has the authority and capacity to ensure appropriate labour management in the country; its institutional framework is adequate to accommodate and oversee the implementation of requirements under the World Bank's ESS 2 – Labour and Working Conditions. Some States also have Ministry of Labour that deal with specific issues relating to labour in their states. Table 4.1 provides an overview of the relevant department within the FML&E.

Table 4. 1: Summary of Relevant Departments within the FML&E

Department	Functions
The Inspectorate	The Department is charged with the responsibility of ensuring compliance with all national and international Labour legislations connected with terms and conditions of employment, promotion of health and safety and sustenance of industrial peace and harmony. The department is also charged with the protection of children from child Labour especially in its worst forms.
The Social Security Department	The establishment of Social Security Department is to promote a coordinated and holistic approach to social security. The policy drafted by the NWC was in line with International Labour Organization (ILO) Convention 102, to provide a framework for international best practices based on set minimum standards. The policy is expected to provide the poor, weak and vulnerable an equitable access to medical care, employment, maternity care, survivor's benefits, etc. The department collaborates with relevant stakeholders to regulate a well-focused, coordinated and effective National Social Security System
Employment and Wages	The Department is charged with the responsibility of initiating and implementing the employment and wages policies of the Federal Government of Nigeria and has the following functions: Formulation and implementation of employment policies. Registration and placement of unemployed applicants; Employment Exchanges Professional and Executive Registries; National Electronic Labour Exchange Coordination of Decent Work Country Program Wages administration through; Wages Monitoring Processing of Collective Agreements; Issuance of Recruiter's Licenses. Labour migration management; Initiating and implementing programs on active aging Oversight functions over National Directorate of Employment
Office of the Registrar of Trade Union	The office is a unit in the Trade Unions Services and Industrial Relations Department, a statutory office created by Section 45 of the Trade Union Act CAP T8 LFN 2004. The Registrar has the primary responsibility for the effective

	administration of the Trade Unions Act. Hence, the office of the registrar of Trade Unions has the following specific responsibilities: Registration of trade unions; Cancellation of certificate of registration of trade unions; Supervision of trade unions account: Issuance of guidelines and circulars to registered unions, highlighting observed shortcomings in their obligations under the provisions of the Trade Unions Act for effective administration of the registered bodies. Promotion of workers educational programs through lectures at trade unions organized seminars, workshops, symposia and conferences. Maintenance of records of registered offices, documents and particulars of registered unions. Attendance to courts in respect of relevant Trade Union matters. Collection of statutory fees as revenue for the government and paying same into the government coffers.
Occupational Health and Safety	The Factory Inspectors under the department are responsible for the enforcement of Factories Act 1990, Cap 126 Law of the Federation of Nigeria. They also oversee the implementation of several other subsidiary legislations, which provide for the safety, health and welfare of workers in all workplaces nationwide. The enforcement of Factories Act is done through: Registration of new factory premises, renewal of certificate of registration and amendment or revocation of certificate of registration. Special Inspection of workplaces; Prosecution of recalcitrant occupiers Investigation of accidents, dangerous occurrences and occupational diseases. Preparation of safety and health regulations, code of practice, guidelines and standards for various operations, processes and hazardous agents. Provision of occupational safety and health education to workers and employers. Recording and dissemination of information and statistics on all aspects of occupational safety and health through the national Occupational Safety Health Information Centres (CIC). Provision of technical assistance and advisory services to workplaces on HIV and AIDS interventions.

Specifically, the Nigeria has various laws for protecting all employees, of relevance to SURWASH and LMP is the Labour Act, Chapter 198, Laws of the Federation of Nigeria (LFN) 2004: This Act covers general provisions including:

- Protection of wages
- Contracts of employment and terms and conditions of employment
- Fair treatment and equal opportunities of project workers.
- Hours of work and overtime
- Employment of women
- Labour health matters
- Prohibition of forced labour
- Labour complaints

4.3 Relevant Federal Labour Policies

4.3.1 The Labour Act 2004

As indicated above, the following terms and conditions under the Labour Act are described in detail below in relation to the Technical Assistance to be provided under this program.

- **Protection of Wages**: the wages of all project workers shall be made payable in legal tender or with prior consent of both parties in cheque and not otherwise. Wages shall become due and payable at the end of each period for which the contract is expressed (daily, weekly or at such other period as may be agreed upon), provided the period is not more than one month, the wages shall become due and payable at intervals not exceeding one month.
- **Contracts of Employment, Terms and Conditions of Employment**: no employer shall make any deduction or make any deductions from wages to be paid to project workers. An employer may with the consent of a project worker make deductions except with consent of the worker in terms of VAT, Tax, pension funds or other schemes as agreed by the worker and approved by the State Authority. Not later than three months after the beginning of a project worker's period of employment with an employer, the employer shall give to the worker a written statement specifying- (a) the name of the employer or group of employers, and where appropriate, of the undertaking by which the worker is employed; (b) the name and address of the worker and the place and date of his engagement; (c) the nature of the employment; (d) if the contract is for a fixed term, the date when the contract expires.

- **Hours of work and overtime**: this shall be in line with federal government regulations and as maybe stipulated by the program management at the federal level. However, being a project environment, the normal working hours shall be from 8am to 5pm with one-hour interval break period.
- **Benefits:** project workers shall be entitled to holiday with full payment of wages after twelve months of continuous service including sick leave.

4.3.2 Occupational Health and Safety

Based on IPF/TA component under the SURWASH program, it is envisaged that most of the risks are occupational. The requirements of the ESS2 on Occupational Health and Safety is to carry out risk assessments and develop appropriate risk prevention and mitigation measures. The OHS measures herein, will be summarized based on country's OHS legislation and the Environmental and Social Guidelines (ESHG) of the World Bank Group. Should the Nigeria's OHS guideline differ from the ESHG (World Bank Guidelines), then the more stringent one should be applied. However, if the less stringent guideline is chosen or more appropriate measures than those provided in this ESH Guideline below, probably based on specific project circumstances, a full and detailed justification for any proposed alternatives should be provided by the proponent as part of the site-specific environmental assessment. This justification should demonstrate that the choice for any alternate performance levels is protective of human health and the environment. Table 4.2 provides an overview of OHS in Nigeria.

Table 4. 2: Nigeria Occupational Health and Safety

Sector	Potential Impacts	Parameter Guideline
OHS	OHS Incidents, Accidents or death	An employee is entitled to payment of compensation with respect to any accident sustained while at work or on official assignment. In every case of an injury or disabling occupational disease to an employee in a workplace, the employee, or in case of death the dependent, shall within 14 days of the occurrence or receipt of the information of the occurrence, inform the employer by giving information of the disease or injury to a manager, supervisor, first-aid attendant agent in charge of the work where the injury occurred or other appropriate representative of the employer. Failure to provide the information required will bar claim for compensation
	Poor working conditions, inadequate provision of Personal Protective Equipment (PPE)	Develop and Implement OHS plan and ensure workers understand their terms of engagement and rights Provide and train workforce on usage of PPE
	Physical Injuries	Suitable protective clothing and appliances, including, where necessary, suitable gloves, footwear, goggles and head coverings, shall be provided and maintained for the use of such workers.
	Inadequate or non-existence of compensation plan for accident victims	Implement and train workers on the HR Policies FPIU/SPIU must ensure they follow the Labour Act and Compensation Plan for accident victims
	Grievances and social threats	Ensure the strict implementation of Labour Management Plan to minimize social unrest. Staff should be hired through a transparent and competitive process. Develop and train workers on emotional intelligence, Interpersonal relations and stakeholders' management.
	Fire Incidents	The project buildings shall be designed and operated in full compliance with local building codes, local fire department regulations, local legal/insurance requirements, and in accordance with an internationally accepted life and fire safety (L&FS) standard
	Possibility of forced and child labour	Develop worker engagement procedure and follow the HR Policy
	Fear of Occupational Health and Diseases,	Develop, train and Implement program workers on incident Prevention and Control (IPC) for COVID-19 and other diseases, regular awareness and sensitization on work-related lifestyle related diseases.
	waste generation	Establish waste management priorities at the onset of activities based on an understanding of potential hazard associated with the waste. Project workers shall ensure and practise reuse and reduction of papers and other recyclable waste materials. All waste generated should be collected and disposed using the best environmental technology

4.3.3 Other Federal Legislations

Factories Act, Cap F1, LFN 2004: The Act provides for the registration, etc., of factories provides for factory workers and a wider spectrum of workers and other professionals exposed to occupational hazards, but for whom no adequate provisions had been formerly made; and provides for adequate provisions regarding the safety of workers to which the Act applies and to impose penalties for any breach of its provisions. The Act in sections 2(1) and 3(1) provides that any premises used as a factory must be registered as such. In addition to other provisions the Act provides for cleanliness of factories, avoidance of overcrowding which could cause risk or injury to the health of workers, adequate ventilation in workrooms, lighting of workrooms, provision of sanitary conveniences, among others. These are aimed for the protection of workers and others in the factory.

The Trade Union (Amended) Act 2005

The Trade Union Act (the Principal Act) makes provisions with respect to the formation, registration and organization of trade unions, and the Federation of Trade Unions. As provided in the Act, "trade union" means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members. The Act prohibits unregistered unions from function. The Principal Act was amended in 2005 to make some more provisions especially as to reduce conflicts between government and trade unions and to protect workers. For example, regarding membership of trade unions, the amended Act provides in Section 12 (4) that membership of trade union is voluntary. It states that "notwithstanding anything to the contrary in this Act, membership of a trade union by employees shall be voluntary and no employee shall be forced to join any trade union or be victimized for refusing to join or remain a member". The amended Act, to ensure the funding of trade unions, empowers employers to make deduction from the wages of every worker who is a member of any of the trade unions for the purpose of paying contributions to the trade union so registered; and remit such deductions to the registered office of the trade union within a reasonable period or such period as may be prescribed from time to time by the Registrar.

The Employees Compensation Act 2010:

The Employee's Compensation Act, 2010 is a social security/welfare scheme that provides comprehensive compensation to employees who suffer from occupational diseases or sustain injuries arising from accidents at workplace or in the course of employment. The basis or justification for 'compensation' is the employer's duty of care. The objectives of the Act are as follows:

(*a*) provide for an open and fair system of guaranteed and adequate compensation for all employees or their dependents for any death, injury, disease or disability arising out of or in the course of employment;

(*b*) provide rehabilitation to employees with work-related disabilities as provided in this Act;

(*c*) establish and maintain a solvent compensation fund managed in the interest of employees and employers;

(*d*) provide for fair and adequate assessments for employers;

(*e*) provide an appeal procedure that is simple, fair and accessible, with minimal delays; and

(*f*) combine efforts and resources of relevant stakeholders for the prevention of workplace disabilities, including the enforcement of occupational safety and health standards.

National Minimum Wage Act, 2019: The 2019 Act increased the minimum wage in-country from ₦18,000 to ₦30,000/month. Like the repealed National Minimum Wage Act, Cap. N6, LFN, 2004 (as amended) (the "Former Act")), the 2019 Act applies across the all sectors/employers, with the exception of:

1. an establishment in which workers are employed or paid on part-time and/or on a commission or piece-rate basis;
2. workers in seasonal employment like agriculture; and
3. persons employed on a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.

Unlike the National Minimum Wage Act, Cap. N6, LFN, 2004, which applied to employers that employed 50 or more people, the 2019 Act applies to employers who employ 25 or more persons. Another major difference between the 2019 Act and the previous one is the definition of part-time work. The 2019 Act defines part-time work as "*work of a duration shorter than those for comparable full-time work in a sector or occupation*"; while under the previous Act, "part-time work" was defined as "*work of a duration of not less than forty-hours a week*".

The Pension Reform Act 2004:

The Act established the contributory pension scheme (the Scheme) for employees in the public and private sectors in Nigeria; and the National Pension Commission (NPC), in order to facilitate the payment of retirement benefits to deserving employees. As provided in the Act, the objectives of the Scheme are to:

(a) ensure that every person who worked in either the Public Service of the Federation, Federal Capital Territory or Private Sector receives his retirement benefits as and when due:

(b) assist improvident individuals by ensuring that they save in order to cater for their livelihood during old age: and

(c) establish a uniform set of rules, regulations and standards for the administration and payments of retirement benefits for the Public Service of the Federation, Federal Capital Territory and the Private Sector. On the other hand, the principal object of the Commission, as provided in the Act, shall be to regulate, supervise and ensure the effective administration of pension matters in Nigeria.

The Trade Disputes Act, 2004

The Act makes provisions for the settlement of trade disputes and other matters ancillary thereto. The Act established the National Industrial Court. The Act provides for procedure of settling dispute before it is reported; apprehension of trade dispute by the Minister; reporting of dispute if not amicably settled; appointment of conciliator, etc. Regarding the procedure before dispute is reported, the Act provides that parties to the dispute shall first attempt to settle it by an agreed means for settlement of the dispute apart from the Act. It is only when this procedure fails or does not exist that the parties report within seven days and come together to settle the dispute under a conciliator. Notwithstanding this provision, the Minister can apprehend the dispute and decide on the cause of action for the settlement of the dispute

National Gender Policy 2006

This policy among other things, seeks to address and combat various forms of violence against women and girls. The goal of the National Gender Policy is to "build a just society devoid of discrimination, harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights and protect the health, social, economic and political well being of all citizens in order to achieve equitable rapid economic growth; evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable development."[11]
Some of the core principles of the policy include:

a. Promotion and protection of human rights, social justice and equity
b. Commitment to gender mainstreaming as a development approach and tools for achieving the economic reform agenda
c. Recognition of gender issues as central to and critical to the achievement of national development goals and objectives

4.4 Bank Environmental and Social Standards

The World Bank has in place a number of environmental and social safeguards standards, which are aimed at preventing and mitigating undue harm to people and their environment in any development projects involving the Bank. The Bank recently approved the new Environmental and Social Framework which consists of ten standards, of importance to this program is the ESS 2: Labour and Working Conditions. They are designed to help ensure that projects proposed for Bank financing are environmentally and socially sustainable.

Environmental and Social Standards (ESS 2)

ESS 2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers shall promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. The objectives are as follows:

- 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 ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate
- To prevent the use of all forms of forced Labour and child Labour.
- To provide project workers with accessible means to raise workplace related concerns, grievances etc.

A comparison of ESS2 and Nigeria labour legislation is presented in Table 4.3.

4.5 World Bank Environmental, Social and Health Guidelines (ESHG)

The OHS measures will be designed to address identification of potential hazards to project workers (Direct, Contracted and Consultants) particularly those that may be life threatening; provision of preventive and protective measures via modification, substitution or elimination of hazardous conditions; training of project workers; emergency prevention and preparedness and

[11] National Gender policy, Federal Republic of Nigeria

response arrangements to emergency situations; documentation, reporting and remedies of accidents and incidents.

The following guidelines should be adhered to:

- Identify all occupational hazards and associated risks early as possible for program life cycle.
- Involve ESH professionals, who have the experience, competence, and training necessary to assess and manage ESH impacts and risks
- Conduct risk assessment to understand the likelihood and magnitude of ESH risks associated with this project based on: whether the project will involve hazardous materials or processes; the potential consequences to workers, communities, or the environment if hazards are not adequately managed, which may depend on the proximity of project activities to people or to the environmental resources on which they depend
- Prioritize the risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment
- Favour strategies that eliminate the cause of the hazard at its source, for example, by selecting less hazardous materials or processes
- When impact avoidance is not feasible, incorporate engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences, for example, with the application of pollution controls to reduce the levels of emitted contaminants to workers or environments.
- The OHS performance should be monitored.

Table 4. 3:Comparison Between ESS 2 and Nigeria Labour Legislation

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
Minimum Age	Sixteen Years and above.	Fourteen years and above, however, a child over the minimum age and under the age of 18 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.	The disparity in age of engagement	The Nigeria Labour legislation is preferred in this instance. However, Birth Certificate or Sworn Affidavit should be used for screening and confirmation of age.
Forced Labour	Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 34 (1) *(c)*	All work associated with this project shall be performed voluntarily without coercion or any form of threats. Forced labour in this context can be any form of indentured labour.	Both Condemn forced labour	There should be periodic Screening Checks and Monitoring for Forced Labour.

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
	of the Constitution of the Federal Republic of Nigeria 1999, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000 or to imprisonment for a term not exceeding two years, or to both.			
Protection of Wages	Wages shall become due and payable at the end of each period that is to say daily or weekly. No employer shall make any deduction or make any agreement or contract with a worker for any deduction from the wages to be paid by the employer	Same	Both protect Worker wages.	There should be an effective Grievance Redress Mechanism for Complaint that may arise as a result of irregularities in wages payment by the employer.
Non-discrimination and Equal Opportunity.	There is no defined Labour management procedure to guide developmental projects	The standard recognizes that the project will make use of various categories of workers, direct and indirect workers such as contract staff and primary suppliers.	The ESS2 provides a unified approach while the National Labour legislation does not.	The SURWASH program will implement the ESS2 and ensure that non-discrimination and Gender Issues are implemented.
Hours of Work	Working hours shall be agreed mutually or by collective bargain	Same	Both say the same thing.	A Staff Register will be maintained in all work locations to capture worker time of resumption and departure
Institutional Cooperation regarding labour risk management	Lack of synergy between FMEnv and Ministry of Labour and Employment limits the efficiency and effectiveness of Labour risks on projects	Procedures for managing these Labour management risks and impacts are infused herein	Lack of Unified Standard for the Nigerian Labour legislation.	SURWASH program will adopt improved consultation with both ministries seeking more collaboration throughout the duration of the project.

Areas	Nigeria Labour Legislation	ESS2: Labour & Working Conditions	Identified GAPS	Measures to Address Identified Gaps
Standard and Resources for OHS management	Inadequate resources, capacity, standardized tools for effective implementation and monitoring of OHS standards	Adequate OHS Procedures are set out according to ESHS	There are no adequate resources and standards to implement OHS.	The SURWASH program will implement the Provisions of ESS2**.**
Gender Issues	No provision in Labour Act that prohibits sexual harassment or any other kind of harassment as an employee. However, there is a subsisting National Act addressing sexual harassment.	The procedure forbids sexual harassment of any kind especially once the grievances have been reported	The Labour Act did not make provisions for Gender issues like sexual harassment, Sexual Exploitation and Abuse (SEA)	Gender-based principles as provided by ESS2 will be implemented in the SURWASH program.
Terms & Conditions of Employment	The country's labour law recognizes that employers must provide the employee with clear agreement terms within the engagement letter termed "Contract Agreement" whether written or verbal within the first 3 months	Provisions of clear information and documentation are provided at the onset of working relationship	Both have documented evidences, but the procedures could differ**,**	The SURWASH program will implement the ESS2 provisions.
Workers' Organization	National legal framework is robust and implemented well in the formal sector, however, casual workers are not given the same benefits (such as compensation for injuries, right to belong to trade unions and bargain collectively, various social security benefit, unequal pay, forced Labour, absence of grievance redress mechanism)	This standard makes provisions for borrowers to promote sound worker-management relationships and enhance the development benefits of a project by treating all workers in the project fairly and providing safe and healthy working conditions.	Both provisions have provided to take care of Workers health and conditions. However, the National legal framework does not have Grievance Redress Mechanism (GRM)	The SURWASH program will implement the ESS2 provisions in this regard.

4.6 International Labour Legislation

The project will be guided by the following international regulations

- International Labour Organization (ILO)
- Africa Regional Labour Administration Centre (ARLAC)
- Organization of African Trade Union Unity (OATUU)
- Africa Union, Labour and Social Affairs Commission (AULSAC)
- Organization of Trade Union of West Africa
- Pan African Employers Association
- Pan African Productivity Association (PAPA)
- International Social Security Association (ISSA)

Their mandate as relevant to the Nigeria SURWASH include:

- Development and promotion of productive employment policies and programs.
- Stimulation and enhancement of National Productivity Consciousness, rewards for excellence and promotion of national competitiveness.
- Skills Development, upgrading, certification, placement in various areas of national needs.
- Provision of Social Security Coverage, Welfare and Employee's Compensation to the nation's workforce.
- Provision of Labour Protection Services, supervision, enforcement, Education, Promotion of Social Justice, Ratification, Implementation and Review of National Labour Laws and Policies.
- International Labour Diplomacy.
- Occupational Safety and Health.

CHAPTER FIVE: ROLES AND RESPONSIBILITIES FOR MANAGING THE LMP

5.1 Introduction

The FPIU at the federal level and the SPIU at the state level shall be responsible for the Implementation of this LMP prepared for the IPF/TA activities under the SURWASH program. This includes occupational safety, health and welfare of workers, and ensure contractor compliance.

5.2 Specific Responsibilities of the LMP

Occupational Health and Safety

Contractors must engage a minimum of one Health Safety and Environment (HSE) officer in every team to ensure the day-to-day compliance with specified health and safety measures and records of any incidents. Minor incidents and near misses will be reported to the SPIUs (through the SPIU Environmental Officer) on a monthly basis, serious incidents should be reported immediately and not later than 24hrs. Minor incidents will be reflected in the quarterly reports to the World Bank, while major accidents/deaths should be flagged to the World Bank within 48hrs.

Labor and Working Conditions

The workers to be engaged for works and services shall provide evidence of having been trained to carry out such works/services. Certificates of Training/Competence shall be provided, this can be in the form of academic certificate /professional certificates i.e., evidence of having been trained through skill development program to carry out such services. Contractors will keep records in accordance with specifications set out in this LMP. The SPIUs may at any time require records to ensure that Labor conditions are met. Where issues are spotted, the SPIU will ensure that immediate remedial actions are implemented. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

Worker Grievances

Contractors must engage a minimum of one social officer in every team to handle issues relating to social risks. The FPIU and SPIUs (through the social officer) will review the effectiveness of the workers' grievance redress mechanism as stipulated in section 4 and ensure that all complaints by workers are resolved. The FPIU and SPIUs will report this as part of the quarterly E&S reports to the World Bank.

Additional Training

The contractor will set up a system of daily HSE Toolbox meetings (PEP talks), routine safety trainings and specialized job trainings for workers. Trainings will form part of the contractor's responsibility. The contractors HSE officers will provide safety instructions to contractor staff. The FPIU and SPIUs will liaise with contractors to deliver trainings to address risks associated with labour influx including GBV/SEA. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by the FPIU and SPIUs, as specified by the contract.

Occupational Health and Safety compliance

The contractor shall comply with all provisions of the LMP, including pre-qualifications required by the Health, Safety and Environmental policy in accordance with ESS2, the site-specific ESMPs that will be prepared, including occupational health and safety plans, emergency plans amongst others. In addition, contractors shall procure the necessary PPE and First Aid kit for use during project implementation and these will be included in the Bill of Quantities (BoQs). The Contractor shall organize training for workers on the use of PPE and First Aid kit (see sample training plan in Annex 1). It is also expected that every contractor will have an HSE Manual which will demonstrate the company's personnel commitments to HSE compliance

Security Management

The TA will assist the client in preparing a Security Management Plan (SMP) and will support security interventions, including security personnel and law enforcement to improve its capacity to react to incidents and enforce the law; and reduce criminal and violent activities to the PAPs and beneficiaries. Prior to deploying security personnel, the program shall take measures to ensure that security personnel are: (i) screened to confirm that they have not engaged in past unlawful or abusive behavior, including excessive use of force; and (ii) adequately instructed and trained, on a regular basis, on the use of force and appropriate behavior and conduct

Address internal security risks associated with the deployment of security personnel on the community and project workers in line with the WB Good Practice Note "Assessing and Managing the Risks and Impacts of the Use of Security Personnel" (such as the training of security officers on the principles of proportionality in the use of force.

5.3 Responsibilities of the Environmental and Social Officers

The Environmental and Social officers at the FPIU and SPIUs shall be under the direct supervision of National Coordinator and State Coordinators, with the following duties.

1) Organize local-level capacity building and interaction programs on environmental screening and environmental awareness as well as organize national level consultations with major stakeholders;
2) Prepare national guidelines, tools and notes for use in the program based on relevant environmental, labour policies, acts and regulations/ directives of the Government of Nigeria and relevant safeguard policies of World Bank;
3) Coordinate and guide consultant engaged to carry out verification of DLI results in line with ESS2 requirements.
4) Assess the adequacy of implementation of safeguards mitigation measures and the capacity of the institutions and agencies responsible for environmental safeguards issues, as they relate to the program. Provide technical and problem-solving support and selective training to individuals and stakeholders responsible for implementation of safeguard processes and mitigation measures;
5) Evaluate environmental and social risks associated with program activities;
6) Coordinate all E&S risks both at the Federal and State level in coordination with the E&S staff at the State Program Support Unit.
7) Produce monthly, quarterly and annual reports in a manner understood by non-technical people for effective dissemination purpose;

8) Develop in liaison with FPIU MIS Specialist an information management system/database on safeguard aspects, including a system to track the project's relevant documents and records.
9) Facilitate the implementation of the project's Grievances Redress Mechanism (GRM) by monitoring the status of grievances, facilitating their resolution, maintaining documentation, and reporting the progress through monitoring reports;
10) Prepare and submit timely and regular progress reports indicating full compliance with this LMP and other safeguards requirements under the program;
11) Develop a system for continuous stakeholders' consultation with consideration for women and other vulnerable in decision regarding program activities.

Monitoring and reporting:

Regular monitoring and timely reporting is essential. All activities will be monitored and reported accordingly. Monitoring procedures will be developed, established and communicated to all parties.

CHAPTER SIX: POLICIES AND PROCEDURES FOR LABOUR IMPACT MANAGEMENT

6.1 Introduction

Employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures shall be followed by program management to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender;
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post;
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- All workers shall be required to submit two letters of recommendations, at least one from previous employers
- Employees shall be informed at least one month before project closure or termination of contract appointment. In the case of disciplinary action, the provisions of the Staff Regulations and conditions of service shall apply.
- In addition to written communication, an oral explanation of conditions and terms of employment shall be provided to workers.

6.2 Child Labour and Minimum Age of Employment

Although age for employment in Nigeria differs, the project will only engage person at minimum age of sixteen (16) and this will be enforced at recruitment. Consultants will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record.

6.2.1 Forced Labour

The TA Component shall not allow any form of forced labour and every effort must be made to ensure that all workers, work without any form of restrictions on their movement. The FPIU and SPIUs shall not limit workers' ability to use the toilet, eat, perform religious prayers and take breaks during work periods.

6.3 Terms and Conditions of Employment

Terms and conditions of direct workers are determined by their individual contracts, public service rules (for government staff) and the provisions of the staff regulations and conditions of service.

6.3.1 Non-discrimination and Equal Opportunity

In Nigeria, common grounds of discrimination in the workplace include gender (against women), disability, health status (against carriers of HIV/AIDS), physical appearance and organizational affiliation including tribes, states of origin, religion etc. Therefore, the FPIU and SPIUs shall

monitor discriminatory practices not only in hiring procedures but throughout all stages of employment.

6.3.2 Worker Privacy

The FPIU and SPIUs shall comply with international standards aimed at safeguarding workers' right to privacy. Any personal information that the FPIU and SPIUs gathers about its workers shall be used for the intended purposes which the worker must be aware of. Personal information about a worker must be collected directly from the worker unless he/she consents, in writing, to the third-party release of personal information. Where workers are being monitored including the use of CCTV cameras, the FPIU and SPIUs shall ensure that such practices do not violate workers' right to privacy. Hence, regardless of how the FPIU and SPIUs decides to monitor its workers, its monitoring practices must be reasonable, proportional and justifiable to the project needs served.

(i) Staff Insurance and Other Matters

All FPIU and SPIUs staff are encouraged to take pension, and compulsory insurance schemes for example Occupiers Liability Insurance, Group Personnel Life and Accident Insurance Scheme. The FPIU and SPIUs may facilitate these schemes for the benefit of staff on a voluntary, equitable and contributory basis. There shall not be any financial obligation on FPIU and SPIUs. Payment for Insurance therefore is not an eligible expenditure under the IDA. Therefore, Government Contribution can be used for health and Group Insurance for FPIU and SPIUs staff, but this is subject to the approval of Supervisory Ministry/Agency/Body.

(ii) Annual Leave

It is the responsibility of the Administrative Officer of the FPIU and SPIUs to compile an annual leave roaster in collaboration with the Heads of Departments and the approval of the National Coordinator at the beginning of the year. An annual leave can be taken in two instalments. Any leave not taken within the calendar year shall be deemed forfeited unless there is express approval of the National or State Coordinator.

(iii) Casual Leave

A maximum of seven days' casual leave may be granted to a staff based on the recommendation of the HOD or National or State Coordinator. Staff can only enjoy casual leave after exhausting his/her annual leave for the year. Casual leave in excess of seven days shall be monetized and deducted from the staff's benefits.

(iv) Sick Leave

A sick leave on full pay may be granted by the FPIU and SPIUs subject to a maximum of three months on the production of a medical certificate signed by a government Medical Officer or medical practitioner approved by government. The FPIU and SPIUs may extend the sick leave for additional period of three months. Thereafter, if the employee is still unfit to resumed duty such employee may be invalidated.

(v) Maternity Leave

All female staff who are pregnant or those who have adopted an infant through legal means with proper documentations shall be entitled to maternity leave with full pay for 16 weeks. The annual leave for that year shall be regarded as part of the maternity leave.

(vi) Public Holidays

There shall be public holiday for all staff as approved by the Government and this shall be properly communicated by the administrative Officer.

CHAPTER SEVEN: GRIEVANCE REDRESS MECHANISM (GRM)

7.1 Introduction

Workers must have the right to submit grievances regarding workplace concerns without the threat of adverse employment action or prejudice. Complaints may range from dissatisfaction with work hours and rest periods to claims of coercion, intimidation or abuse. In order to facilitate the expression of these complaints;

- The contractor must work with the workers or their representatives to establish and maintain an effective grievance mechanism through which workers can lodge complaints.
- Workers grievance and complaints boxes must be put in place at vantage places where workers can log their complaints anonymously.
- The contractors must inform all workers about the grievance mechanisms put in place.
- The grievance mechanism should serve three key functions.
    - It should serve as a focal point of communication across the organization where workers can report and receive advice on grievances, from which concerns and grievances are channelled to management.
    - The mechanism should be mandated to identify remedies to be implemented through internal procedures in the form of corrective action, mediation, settlement or dispute resolution.
    - The mechanism should have the capacity to direct complainants or hand over cases to appropriate external mechanisms, including state-based mechanisms, such as courts.
- The internal grievance redress mechanism should not in any way prejudice the complainant's ability to seek recourse through external mechanisms.
- Any worker filing a grievance must receive notice of the contractor/employer's finding regarding his or her particular complaint and whether corrective action will be taken.

7.2 Purposes of GRM

The purposes of a well-established and well-functioning GRM are to;

- Ensure that grievances, complaints and concerns are addressed and resolved in a fair, transparent and easily accessible manner in order to achieve the goals of restoring positive relationships with project workers (Direct and contracted workers)/
- Be responsive to the needs of project workers and to address and resolve their grievances;
- Serve as a conduit for soliciting inquiries, inviting suggestions, and increasing project workers' participation;
- Collect information that can be used to improve operational performance;
- Promote transparency and accountability
- Deter fraud and corruption and mitigate project risks
- Facilitate timely feedback from project workers about SURWASH in order to support the project's commitment to continuous improvement

7.3 Process Steps

Figure 7.1 shows the process steps.

Step 1: Publicizing Grievance Redress Mechanism Manual: GRM manual should be publicized and manual made available to all program workers.

Step 2: Receiving and Keeping Track of the Grievances: Once program workers are aware of the mechanism and use it to address grievances, there is need of processing the grievances. The Processing activities includes: (1) collecting grievances; (2) recording grievances as they come in; 3) registering them in a central place; and 4) tracking them throughout the processing cycle to reflect their status and importance.

Step 3: Reviewing and Investigating Grievances: All grievances will need to undergo some degree of review and investigation, depending on the type of grievance and clarity of circumstances.

Step 4: Developing Resolution Options and Preparing a Response: Once the grievance is well understood, resolution options can be developed taking into consideration program workers preferences program policy, past experience, current issues, and potential outcomes.

Step 5: Monitoring, Reporting and Evaluating a Grievance Mechanism: Monitoring and reporting can be tools for measuring the effectiveness of the grievance mechanism and the efficient use of resources, and for determining broad trends and recurring problems so they can be resolved proactively before they become points of contention. Monitoring and reporting also create a base level of information that can be used to report back to the FPIM and SPIUs management.



Figure 7. 1:Complaints Registration Process in SURWASH programme

7.4 Importance of the GRM to SURWASH Program

This Grievance Redress Mechanism (GRM) section introduces this program to the overall GRM of the SURWASH program. In order to ensure transparency and accountability in the program, a grievance redress mechanism (GRM) to address program-related grievances will be established by the FPIU and SPIUs as part of the ESMF implementation process. GRM will help FPIU and SPIUs in the following manner:

- Provides a forum for resolving grievances and disputes at the lowest level;
- Resolves disputes relatively quickly before they escalate to an unmanageable level;
- Helps win the trust and confidence of project workers (direct and contracted workers), in the program and create a harmonious workplace;
- Helps avoid program delays and cost increases and improves quality of work.

7.5 Grievance Handling Procedure in SURWASH Program

The received grievances will be registered into standard database, analyzed and categorized by the ESM specialist for SURWASH. Below are the main components of SURWASH Grievance Handling Procedure.

7.5.1 Grievance Redress Committees (GRCs)

Under SURWASH, a Grievance Redress Committees will be established at the subproject level, State level and HQ level to redress the grievances of the Affected Persons (APs)/ Households (HHs) or process stakeholders' comments. The GRCs at different levels don't have any legal mandate or authority but act as a facilitator on a voluntary basis trying to resolve issues between the complainant and the SURWASH program. Any member of the subproject GRC elected by the members of GRC at subproject level will be focal point of GRM at subproject level. The subprojects level GRC reports to the SPIU at the state levels. At this level the SPIU mediates and monitors their activities. While ESM specialist will be GRM focal point at HQ level.

The workers and the project grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

7.5.2 Meeting Schedule of GRCs

Subproject level GRC will meet every 10 days and minutes of the meeting will be taken by any one of the GRC members. At the state level the GRC will meet once in two weeks; while meeting for HQ level GRC will be held once in a month but if there are more cases this GRC can meet more than once in month. Minute of this meeting will be prepared by ESM unit which will be circulated to all the GRC members. The progress on Minutes of Meeting will be discussed in next meeting with special emphasis will be given to pending concerns/ issues.

7.5.3 Sequence for Addressing Complaints and Grievance

The complaints & grievances would be addressed through the following sequence

- Complaint resolution will be attempted at sub-Project level GRC who has 10 days to decide on the case
- If Subproject level GRC fails to resolve the grievance, Grievance is forwarded to GRC at SPIU level who has 14 days to decide on the case.
- If the SPIU failed to be resolved at his level, then the Grievance is forwarded to GRC at HQ level. HQ level GRC has 20 days to resolve the grievance
- If the grievance redress system fails to satisfy the APs, they can pursue further by submitting their case to the appropriate court of law.

7.6 Communication Strategy

The GRM procedures to be followed for all the collaborating agencies and Ministries projects will be coordinated by the FPIU and handled by the Grievance Redress Committee. A communication campaign will ensure that beneficiaries, and communities, staff and other stakeholders know where and how to submit grievances.

7.7 Institutional Arrangements and Capacity building

7.7.1 GRM Institutional Arrangement

In order to implement the GRM and functionality of GRC, the ESM specialist (GRM focal point at FPIU and SPIUs) is responsible to oversee and supervise the grievances reporting and GRM database.

7.7.2 GRM Implementation

The GRM manual shall be used by the FPIU and SPIUs to manage all grievances on the program at the federal level. In order to have proper implementation of GRM, first of all project workers shall be aware of the provisions of the manual.

7.8 Worker Feedback system

The worker feedback system will log all grievances, issues and concerns raised by workers during engagement sessions. The system will also record information on measures to address issues, timeframes, personnel responsible and any subsequent feedback that is required.

7.9 Accident and Incident Recording

Reporting and Investigation System

The number and type of all accidents and incidents including near misses occurring during the construction phase shall be recorded including the corrective actions required to address them. In addition, the system should identify roles and responsibilities for recording, reporting and investigating incidents and for corrective action planning.

7.10 Community Feedback

Complaints and Grievance System

Community complaints and concerns will be captured and addressed through the main Grievance Redress Mechanism (refer to Stakeholder Engagement Plan).

7.11 Information on Disclosure

This LMP will be reviewed periodically. It is one of the foundational documentations required during the planning stage of a LMP in English will be made accessible for the general public at the following locations:

- Federal Ministry of Finance;
- Federal Ministry of Water Resources
- Federal Ministry of Health
- Federal Ministry of Environment
- Federal Ministry of Education
- Federal Project Implementation Unit (FPIU)
- PEWASH Coordination Office
- State Ministry of Water Resources
- State Ministry of Health
- State Ministry of Education
- State Ministry of Environment
- State Project Implementation Unit (SPIU)
- State Water Authority
- Rural Water Supply and Sanitation Agency (RUWASSA)
- Small Town Water Supply and Sanitation Agency (STWSSA)
- State urban sanitation authority
- State WASH regulatory agency

Also, in other relevant Federal and State Ministries and Departments and Agencies in Nigeria. Electronic copies of the LMP will be disclosed on the website of the World Bank and at each implementing agencies. This will allow stakeholders with access to the internet to view information about the planned development and to initiate their involvement in the public consultation process. The website will be equipped with an on-line feedback feature that will enable readers to leave their comments in relation to the disclosed materials.

The mechanisms which will be used for facilitating input from concerned persons will include press releases and announcements in the media, notifications of the aforementioned disclosed materials to local, regional and national NGOs, relevant professional bodies as well as other interested parties. This document can also be made available to the workers of all the concerned government Ministries and Agencies through the following media: website, e-mail, handbooks and during in-house trainings.

7.12 Timetable for Disclosure

The disclosure process associated with the release of project E&S appraisal documentation, as well as the accompanying SEP, LMP will be implemented within the following timeframe:

- Placement of the LMP in public domain – Dates to be confirmed by the FPIU and SPIU and the other agencies involved in the implementation.
- 21-day disclosure period – Dates to be confirmed by the FPIU and SPIU and the other agencies involved in the implementation.
- Following the approval of the LMP document for disclosure, then the document is published in three (3) widely read Newspapers; radio jingles/announcements are carried out, jingles on radios at prime time, for at least twice a week.
- Federal Ministry of Environment published document on its website;
- The World Bank also publishes the LMP document on its external website.

CHAPTER EIGHT: CONTRACTOR MANAGEMENT

8.1 Introduction

Selection of consultant / contractors shall be made according to the World Bank procurement procedures and occupational health and safety as provided in the World Bank Standard Procurement Documents and Nigerian laws. The FPIU and SPIU after receiving bids from the contractors shall ensure that the contractors are legitimate and have permits according to the Nigeria law, and the necessary professional bodies. This LMP form an integral part of the bidding documents to be issued to consultant/contractors and shall form part of the awarded contracts to all consultants/contractors under the IPF/TA activities.

In addition, proper training and orientation shall be given by the FPIU and SPIU and the Environmental and Social safeguards specialists on different stages of awarding contracts and implementation to contractors, to ensure full understanding and compliance. The IPF/TA program will maintain numerous business stakeholders such as contractors, and other third-party suppliers, it is advisable to inform the contractors and other third suppliers about their commitment and obligation to ensuring worker welfare and safety which must be included in clause 10 of the ESS2 contractual agreement.

The IPF/TA program will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labour management procedures. This may include periodic audits, inspections, and/or spot checks of project locations as well as of labour management records and reports compiled by contractors.

8.2 Verification, Monitoring Mechanism and Reporting

In realization of the project objectives of IPF/TA, different layers of monitoring systems will be instituted as part of Labour Management Plan. These will include the following:

8.3 Human Resources Employee Database

There shall be a database of all workers employed under the SURWASH program. The database will record information on the personal details of employees (such as home address, next of kin/emergency contact); their job description, role and responsibilities, training records and training needs, etc.

8.4 Contractor Database

There shall be comprehensive database of all primary and secondary contractors for the SURWASH program. The database will record a summary of their scope of work, business origins, and a brief profile about history of compliance to environmental and social standards.

8.5 Supply Chain Database

This will contain information of the key suppliers which will be used to monitor the primary supply chain and record results of risk assessments for incidents of child and / or forced labour and significant environmental safety issues.

ANNEXES

Annex 1: Sample of Risk Assessment Tool

Hazard Identification	Categorize Hazards	Control Hazards	Decision Makers
What are Hazards? Danger which threatens physical harm to employees	Who or what may be harmed? Identify groups of people, materials, equipment that can be hazardous? People who may not be in the workplace all the time; Analyze the workstation, interaction with other workers	List what is already in place to reduce the likelihood of harm or make any harm less serious	Make sure risks are reduced "so far as is reasonably practicable". An easy way of doing this is to compare what is being done with best practice. If there is a difference, list what needs to be done
Recognizable and Foreseeable Hazard 1. Look and walk around, what do you see? Conduct wide surveys. 2. Categorize Hazards into Materials, Environment, Equipment, People and System (MEEPS) 3. Review documentation by checking safety instructions.	Low risks Moderate risks Substantial risks	Prioritize hierarchy of controls -Elimination -Substitution -Administrative -PPEs	Remember to prioritize. Deal with those hazards that are high-risk and have serious consequences first.

Hazard Identification	Categorize Hazards	Control Hazards	Decision Makers
4. Contacting your supervisors			
Risk Assessment Review			
Review assessment to make sure you are still improving, or at least not sliding back If there is a significant change in the worksite, remember to check your risk assessment and where necessary, amend it	Reviewer:	Review Date:	Endorsed By:
Review assessment to make sure you are still improving, or at least not sliding back If there is a significant change in the worksite, remember to check your risk assessment and where necessary, amend it	Reviewer:	Review Date:	Endorsed By:

Annex 2: Sample Code of Conduct

The main aim of the Code of Conduct is to prevent and/or mitigate the social risks within the context of rehabilitation and expansion of schools. The Codes of Conduct are to be adopted by project workers. This code of conduct covers Occupational Safety and Environmental Compliance, Gender Based Violence and Violence against Children.

Key Definitions

The following definitions apply: **Gender Based Violence (GBV)**

This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

Violence Against Children (VAC)

This may be defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.

Child Labour

This involves employment of underage. Any person under the age of 18 should not be employed in the project sites.

Child Protection (CP)

An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.

Child

The word is used interchangeably with the term ‘minor’ and, in accordance with the United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.

Grooming

This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

Online Grooming

This is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

Survivor/Survivors

This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.

Perpetrator

This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.

Work site

This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the project, funded by the World Bank.

Work site surroundings

These are defined as the 'Project Area of Influence' which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometers radius from the work site and/or worker's camps, including all human settlements found on it.

Consent

This word is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual's agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

Contractor

This is defined as any firm, company, organisation or other institution that has been awarded a contract to conduct infrastructure development works in the context of the project and has hired managers and/or employees to conduct this work.

Manager

The word is used interchangeably with the term 'supervisor' and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

Employee

This is defined as any individual offering labour to the contractor on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.

Workers Committee

A team established by the Contractor to address GBV, VAC, child labour and other relevant issues with the work force.

Codes of Conduct

This Section presents three Codes of Conduct (CoC) for use:

1. **Workers' Code of Conduct**: Commits the worker to addressing GBV and VAC issues;
2. **Manager's Code of Conduct**: Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
3. **Individual Code of Conduct**: Code of Conduct for each individual working on project funded projects

Workers Code of Conduct/ Individual

I, _____, acknowledge that preventing any misconduct as stipulated in this code of conduct, including gender-based violence (GBV), child abuse/exploitation (CAE) are important. Any activity, which constitute acts of gross misconduct are therefore grounds for sanctions, penalties or even termination of employment. All forms of misconduct are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit any such misconduct will be pursued as appropriate.

I agree that while working on this project, I will:

1. Consent to security background check;
2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the work place, worker's camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered "non-consensual" within the scope of this Code;
7. Attend trainings related to HIV and AIDS, GBV, CAE, occupational health and any other relevant courses on safety as requested by my employer;
8. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
9. With regard to children (under the age of 18):
    - Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
    - Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
    - Refrain from physical punishment or discipline of children.
    - Refrain from hiring children for domestic or other labour, which is inappropriate given their age, or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
    - Comply with all relevant local legislation, including labour laws in relation to child labour.

10. Refrain from any form of theft for assets and facilities including from surrounding communities.
11. Remain in designated working area during working hours;
12. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours;
13. Wear mandatory PPE at all times during work;
14. Follow prescribed environmental occupation health and safety standards;
15. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as misconduct or breach this code of conduct.
I acknowledge that I have read and understand this Code of Conduct, and the implications have been explained with regard to sanctions on-going employment should I not comply.
Signed by: _____
Signature: _____
Date: _____

For the Employer
Signed by: _____
Signature: _____
Date: _____

Code of Conduct for Managers
Managers at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Workers must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment. Workers responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance to child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers' committee to oversee issues of workers' misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV and AIDS issues, provided with condoms and HTC services;

10. Ensure that fundamental workers' rights (e.g. working hours, minimum wages, etc) are protected;
11. Ensure that possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment; and
14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities.
15. Ensure that every employee under his/her supervision has been oriented on the Code of Conduct and has signed.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to comply to all rules of this code of conduct. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signed by: _____
Signature: _____
Date: _____

For the Employer

Signed by: _____
Signature: _____
Date: _____

Contractors are obliged to create and maintain an environment which prevents social risks. They have the responsibility to communicate clearly to all those engaged on the project the behaviours which guard against any form of abuse and exploitation. In order to prevent Social risks, the following core principles and minimum standards of behaviour will apply to all employees without exception:

1. GBV or VAC constitutes acts of gross misconduct and are therefore grounds for sanctions, penalties and/or termination of employment and/or contract. All forms of Social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker's camps of those who commit GBV or VAC will be pursued.
2. Treat women, children (persons under the age of 18) and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.
3. Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
4. Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defence.

5. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
6. Sexual interactions between contractor's employees and communities surrounding the work place that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
7. Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she must report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistle-blowers.
8. All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.
9. All employees must attend a mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks and Code of Conduct.
10. The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.
11. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that: -

- Is unlikely to be viewed as offensive, revealing, or sexually provocative.
- Does not distract, cause embarrassment or give rise to misunderstanding
- Is absent of any political or otherwise contentious slogans
- Is not considered to be discriminatory and is culturally sensitive

12. The Company shall ensure provision of financial resources and trainings to prevent spread of HIV and AIDS.
13. The company shall comply with all the applicable international and national legislation including giving terminal benefits to workers who have served for at least three months;
14. All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.
15. The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities
16. Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in termination of the contract.

For Project Worker

Signed by: _____

Signature: _____

Title: _____

Date: _____

Annex 3: Sample OHS Training Plan

S/No	Training Title	Frequency	Responsibility
1	Infectious Prevention and Control	Bi-annually	IPC Specialist
2.	Sensitization on Occupational Health and Safety	Bi-annually	HSE Expert
3.	First Aid Administration	Annually	Certified First Aid Care Giver
4.	Fire Safety	Annually	Fire Safety Officer
5.	Work Ethics and Interpersonal Skills	Annually	Human Resource Specialist