

REPUBLIC OF THE GAMBIA



**Tourism Recovery, Diversification, and Resilience
in the Gambia Project (P177179)**

Labor Management Procedures (LMP)

March 2022

Contents

Abbreviations/Acronyms	3
1.0 OVERVIEW OF LABOR USE ON THE PROJECT	4
1.1. Project background and Description.....	4
1.2. SUMMARY OF KEY PROJECT DEVELOPMENT OBJECTIVES.....	7
1.3 OVERVIEW OF LABOR USE ON THE PROJECT.....	8
Type of Workers.....	8
2.0 ASSESSMENT OF KEY POTENTIAL LABOR RISKS	8
3.0 BRIEF OVERVIEW OF NATIONAL LEGISLATION	13
3.1 National Labor Legislation: Terms and Conditions	13
4.0 WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARD 2 (ESS2)	16
5.0 RESPONSIBLE STAFF	20
6. POLICIES AND PROCEDURES	21
7. AGE OF EMPLOYMENT	23
8. TERMS AND CONDITIONS	24
9. GRIEVANCE MECHANISM	25
9.1. Principles.....	25
9.2. Direct workers’ GM structure	26
9.2. Contracted workers’ GM structure.....	26
10. CONTRACTOR MANAGEMENT	27
11. EMPLOYEES OF PRIMARY SUPPLIERS	28
12. CAPACITY BUILDING	28
Annex 1: Select Bibliography	29
Annex 2 Codes of Conduct and Action Plan for Implementing ESHS and OHS Standards, and Preventing Gender Based Violence and Violence Against Children.....	30
Annex 3: Grievance Logbook for complaints except those related to Sexual Exploitation and Abuse, Sexual Harassment.....	33
Table 1 : Policy Gap analysis between Gambia legal framework & the World Bank ESS 2	18

Abbreviations/Acronyms

COVID-19	Coronavirus Disease 2019
ESIA	Environmental and Social Impact Assessment
ESF	Environmental and Social Framework
ESHS	Environment and Social Health and Safety
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standard
GBV	Gender-Based Violence
GFP	Grievance Focal Point
GoTG	Government of The Gambia
GPE	Global Partnership for Education
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HR	Human Resources
HSP	Health and Safety Plan
LMP	Labor Management Procedures
NEA	National Environment Agency
NEMA	National Environment Management Act
OHS	Occupational Health and Safety
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
VAC	Violence Against Children
WB	World Bank

1. 1.0 OVERVIEW OF LABOR USE ON THE PROJECT

1.1. Project background and Description¹

The World Bank is financing the Tourism Recovery, Diversification, and Resilience in The Gambia Project (P177179) to be implemented by the Ministry of Tourism and Culture. The development objective of the project is to support recovery, diversification, and climate resilience of the tourism sector in the selected destinations strengthening institutional and policy framework, improving capabilities and access to funds for tourism related micro, small and medium enterprises (MSMEs), and building resilience through strengthening sustainable coastal infrastructure and rehabilitation of existing tourism sites.

The project consists of four components:

Component 1: Support to the Tourism Ecosystem

The interventions under this component aim to address selected key bottlenecks in the tourism ecosystem in The Gambia to ensure the sector realizes its potential as a source of sustainable and inclusive growth. Activities around data and marketing will be coordinated to promote the diversification of the destination and gender-sensitive policies, including those that reduce the risk of gender-based violence (GBV). This component includes two sub-components as discussed below.

- **Sub-Component 1a: Improved institutional capacity for data-driven planning, marketing, and branding**

The objective of this sub-component is to improve the ability of the country to use data on their tourism planning efforts and to attract a more diverse set of tourists. Activities under this sub-component aim to support the development of a participatory data-driven marketing strategy with a focus on digital tools and channels and non-traditional markets, strengthen the capacity of The Gambia Tourism Board and related institutions in data collection and analysis, and improve inter-institutional coordination. To ensure the continued application of effective marketing approaches, this component will ensure the establishment of sustainable financing mechanisms for tourism promotion. Under this sub-component, the Project will also help The Gambia Tourism Board, Gambia Bureau of Statistics, and other related institutions to improve the country's overall statistical capacity to better measure the economic contribution of tourism in the economy as well as environmental and gender impacts of the sector. It will also include specific activities to encourage gender-sensitive policy making within the private tourism sector and enhance reporting on sex-disaggregated data in the business workforce. Sex disaggregated data will be strengthened by conducting a gender review of existing survey instruments, analytical frameworks, and sampling strategies to ensure that it reflects women's contribution to the sector and their representativity within the sampling strategies.

- **Sub-Component 1b: Increase participation of tourism MSME within the selected destinations**

This sub-component aims to increase the participation of local tourism related MSMEs within the selected tourist destinations. The objective of this component is to support local firms on adoption of digital and climate technologies to increase productivity and innovation through capacity building and co-founding. Under this component, activities, particularly those related to capacity building on sustainability and circular economy, will leverage the tools developed by the PROBLUE-funded ASA

¹ This report was prepared by **CHEMAS CONSULTING GROUP, LLC** (www.chemasgroup.com) a USA-based International Consulting Firm with a heavy presence in Western, Eastern and Southern African Countries, with highly qualified and experienced Experts in Environmental and Social Safeguards, OHS and GBV/SEA/SH/VAC and Social Inclusion.

and consider climate-resilient design standards. In addition, there will be targeted interventions to reach women and youth, both of whom face more constraints in accessing economic opportunities.

- **Capacity building of tourism MSMEs**

Capacity building activities aim at enhancing capabilities and outreach of intermediary institutions that will be engaged in assisting MSMEs in the tourism sector to build resilience and introduce/improve online presence to increase productivity and innovation. This component will target intermediary institutions which can be public, private, and non-profit organizations that deliver services to actors within the entrepreneurial ecosystem such as incubators, accelerators, business support organizations, technology commercialization offices, tourism training institutes, and industry associations. There are several such institutions in The Gambia (such as Startup Incubator, The Women Boss, Gambia Tourism and Hospitality Institute, Andandor Accelerator, and Innovate Gambia) that focus on technology diffusion, skills, market access, finance facilitation and business operations. This sub-component will finance competitively awarded results-based performance contracts to selected Intermediary Institutions who will then provide business coaching to tourism related MSMEs on the use of technology enabled systems for online presence and introduce climate smart practices like switching to renewable energy, waste management, switching from plastic to biodegradable materials, water and energy efficient practices, etc. This sub-component will also provide coaching to women entrepreneurs for enhanced business development skills and tailor-made mentoring by leveraging existing women entrepreneur networks in the country. The coaching will consider the specific needs of the women entrepreneurs and include modules on leadership and GBV as well as women rights, the national legislation that provides protection to women, and information about services and support available to women who are experiencing any forms of GBV.

- **Co-funding MSMEs to leverage private capital mobilization**

This fund aims to assist Gambian tourism MSMEs to address their capital needs for investing in digital technologies and climate-smart infrastructure to increase adaptability and resilience to climate change, as well as working capital for firms which, while remaining viable and sustainable, have experienced cash-flow disruptions because of measures put in place to contain the COVID-19 pandemic. This will be achieved through the establishment of a Matching Grant (MG) scheme with very clear and well-defined firm eligibility and investment selectivity criteria to be detailed in a matching grant operation and implementation manual, including support for women owned and managed MSMEs. The fund will be managed by a competitively selected specialized firm to ensure that it is financially and operationally autonomous.

Component 2: Infrastructure support for the diversification and resilience of the tourism sector

This component aims to build the climate resilience of the tourism sector. It will focus on strengthening and upgrading infrastructure to better preserve existing assets by being more resilient to the impacts of hazards and climate change as well as enhance the attractiveness of tourism sites and promote economic development. The activities are based on extensive technical assessment and stakeholder consultations through a public-private dialogue (PPD) mechanism and the prioritization process under The Gambia Integrated Urban and Coastal Resilience Technical Assistance Program. The studies and works under the component will also identify opportunities to strengthen and diversify Gambia's tourism options in so doing, making the sector more sustainable and resilient to growing climate risks while reducing high dependency on the current low value-addition single market/single product tourism approach. This

component will include activities to support women based on an assessment and participatory discussion to identify women friendly economic activities, as well as work on social norms in communities to address issues related to gender equality, women's participation and violence prevention and response. Increased tourism activities can be associated with risks of gender-based violence, sexual exploitation and abuse or sexual harassment.

Based on the analysis done under the World Bank Financed project, The Gambia Integrated Urban and Coastal Resilience Technical Assistance in the west coast tourism development area (TDA) from Fajara to Senegambia, there are about US\$100 million in assets and tourism infrastructure (e.g., hotels), which are exposed to rising sea levels and coastal hazards. Key tourism sites such as the Kunta Kinteh Island, a UNESCO World Heritage Site given its important historical value in the West Africa slave trade, is suffering heavy erosion and is at risk of disappearance. Its ruins have been partly protected, but only a fraction of the island's land mass remains (~1/6 of the original size when the fort was active), the rest having been reclaimed by the surrounding water, except for a small jetty and some trees. The ruins have been stabilized and protected, but the island is low-lying and, during high tide and storms sometimes waves will beat against the remaining structures.

- **Sub-Component 2a: Protection, rehabilitation, and integrated management of coastal areas**

This component aims to address the impacts of coastal erosion and sea-level rise using a combination of nature-based solutions (NBS) and hard infrastructure to improve the resilience of the Tourism infrastructure. The Project will consider interventions of erosion control through the restoration of shorelines on the west coast. These Projects may include revegetation and sediment restoration techniques as well as hard infrastructure options such as detached breakwaters. The intervention will be informed by technical studies which include consultations with government agencies, the private sector, in particular the hoteliers, fishermen, fisherwomen, and other key stakeholders. The studies will be informed by current conditions as well as by climate and sea-level rise Projections over a multi-decade horizon. Interventions will be selected based on costs and benefits analysis. The Project will also ensure equal pay for work, based on experience and tasks, on the rehabilitation and construction works undertaken.

- **Sub-Component 2b: Integrated Tourism Product Development and Diversification of selected TDA/tourism areas**

This sub-component aims to enhance the resilience and attractiveness of existing but underdeveloped and at-risk tourism areas. Through consultations, areas with high tourism potential were prioritized for further investment. Under this component, a destination site evaluation and assessment will be conducted to determine the types of interventions that would be needed to improve the resilience and attractiveness of the sites. The selection of sites to be upgraded will follow a phased approach, starting with Kunta Kinteh Island (a UNESCO World Heritage Site), and will respond to a site evaluation based on a variety of criteria, including but not limited to market appeal, destination readiness and economic impact of the tourism sites. It will also be based on climate vulnerability context, social and environmental impacts, the economic development context, and the cost of the intervention. Interventions will aim to reduce the vulnerability of key tourism sites (such as Kunta Kinteh island) to erosion, and it may include reconstruction of select jetties along the River Gambia to be more resilient; improvement of market spaces for vendors and fisherfolk (generally female) to increase their economic activity; and improvement of wastewater management to protect the natural environment. The total number of sites will be determined based on the site assessments and available budget. This sub-component will also focus on women-led and managed business through targeted business development programs to boost opportunities and productivity for selected firms. Activities will be tailored to the sites selected for intervention. For example: activities may include targeted training

for women who engage in marketing fish at the Kunta Kinteh site to enhance the likelihood of visitors purchasing fish market products. In addition, women identified businesses will have the opportunity to benefit from component 2 matching grants, business coaching and skills trainings.

Community stakeholders will be included in the design process as well as in the supervision of the activities. Smaller pilot interventions that would improve the visual environment as well as benefit the local population will be identified for implementation within the first year of the Project. These activities would also build community engagement and could be used to promote community awareness on climate resilience measures. The development of sub-marketing plans to attract local and international tourists for this sub-component will be coordinated through sub-component 1b. An operations and maintenance plan, including budget estimates, for the sites will also be developed and training provided to the relevant stakeholders. It is also expected that this sub-component could increase private sector opportunities in the tourism sector as they may more likely engage with the improved and more resilient infrastructure (e.g., jetties). These activities aim to improve the lives and livelihoods of the community.

Component 3: Project Management, Monitoring and Evaluation

This component covers the activities of the Project Implementation Unit (PIU) set up by the GoTG during the Project preparation phase. The PIU will be responsible for overall supervision, quality assurance and M&E, Coordination with other relevant Ministries as well as Coordination and implementation of policy and regulatory framework related issues. The operation level Project Implementation Unit (PIU) will be set up for the day-to-day operations of the Project, facilitation, monitoring, fiduciary supervision, and safeguards management as well as for the institutional coordination among the various agencies involved with the Project activities at national and local level. The staff of PMU/PIU should comprise professional experts to be selected competitively on a merit-basis and be paid at market-rate, and if possible, on milestone basis. During preparation, Implementation Arrangement will be identified in consultation with the counterpart Ministry(ies).

Component 4. Contingent Emergency Response Component (CERC)

The objective of the zero-cost component is to allow a rapid reallocation of credit proceeds from other components to provide emergency recovery and reconstruction support following an eligible crisis or emergency. The component would finance public and private sector expenditures on a positive list of goods or specific works, goods, services, and emergency operation costs required for The Gambia's emergency recovery. A Contingent Emergency Response Implementation Plan (CERIP) will apply to this component that details financial management, procurement, safeguards, and any other necessary implementation arrangements.

1.2. SUMMARY OF KEY PROJECT DEVELOPMENT OBJECTIVES

The proposed Project Development Objective (PDO) is to support diversification and resilience of selected tourism destinations.

The following indicators will be used to measure the PDO:

- Number of arrivals from non-traditional markets.
- Share of beneficiary MSMEs with new or expanded contracts with tourism Lead Firms (disaggregated by gender) (percentage)
- Shoreline with targeted coastal erosion control measures (in kilometers).

1.3 OVERVIEW OF LABOR USE ON THE PROJECT

This section describes the type and characteristics of workers who will be engaged in the implementation of the Tourism Recovery, Diversification and Resilience Project in The Gambia with indications on the projected workforce as well as the timing of labor needs. The project will recruit direct workers, contracted workers, and primary supply workers.

Type of Workers

ESS 2 categorizes the workers into direct workers, contracted workers, community workers and primary supply workers. As designed, the project will require direct workers, contracted workers, and primary supply workers.

Direct workers. These include staff of the Project Implementation Unit (PIU), Ministry of Tourism and Culture, who are hired to implement the Project. The workers include staff at the PIU Headquarters and the Ministry of Tourism in the regions. The PIU has recently hired an environmental and social safeguard Consultants. Direct workers may also include persons employed or engaged by the project implementation unit to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.

Contracted Workers. These are workers employed or engaged through third parties (contractors, sub-contractors, brokers, agents, or intermediaries) to perform work on the project, regardless of location. Two broad categories of contracted workers are expected: (i) those who will be carrying out the studies (technical, safeguard, procurement, finance); and (ii) those who will carry out the works during project implementation.

Primary supply workers: There will be primary supply workers contracted by primary suppliers of building aggregates such as sand, gravel etc. for the civil works on an on-going basis until the completion of the works. It is not envisaged that the project will source any core materials.

Community workers will not be required for the implementation of this project.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

a) *Project activities:*

The project will be in the Tourism Development Area (Greater Banjul Area) and in some tourism destination sites such as the Kunta Kinteh Island, the River Gambia National Park and nay others that may be identified during project implementation. The proposed infrastructure activities include:

- **Protection, rehabilitation, and integrated management of coastal areas** (subcomponent 2a)
- Construction of erosion **control measures** to reduce the vulnerability of key tourism sites (such as Kunta Kinteh island) to climate change impacts (subcomponent 2b)
- **Construction/rehabilitation** of last mile infrastructure, trail and paths improvements to tourist sites and renovations to existing public spaces and improvement of market spaces for vendors and fisher folk (Subcomponent 2b)
- **Reconstruction of select jetties along the River Gambia** to facilitate access to tourism destinations (subcomponent 2b)

- **Small pilot interventions** to improve the visual environment and promote community awareness on climate resilience measures as well as “green infrastructure” to increase their adaptive capacity (subcomponents 2a and 2b)
- Strengthening the country’s overall statistical capacity in the tourism sector
- Capacity building services and co-funding, for wider segment of tourism related businesses that are suppliers of goods and services for lead firms like hotels, tour operators

Key Labor Risks associated with accidents: The key labor risks which may be associated with the project (see, for example, those identified in ESS2 and the Guidance Note²) could include:

i) Risk of accidents for project workers

In the exercise of their duties, workers engaged by the project can be involved in accidents including road traffic accidents caused by non-compliance with the rules of the road, faulty rolling stock, driver indiscipline. Measures to reduce these risks will include awareness raising of all project workers on the need for compliance with the Highway Code; the regular maintenance of service vehicles; having a monitoring and maintenance book as well as an up-to-date insurance policy. The prohibition of alcohol consumption during service hours and compliance with occupational health and safety measures are also important preventive measures. Workers will be required to sign Code of Conduct upon recruitment and receive training/awareness of the implications of the Codes of Conduct (including sanctions, prohibitions) wherein each worker agrees to abide by occupational health and safety measures, as well as expected behaviors to prevent SEA/SH and maintain respectful community relations.

i. Labor risks associated with contracted workers at subproject level, including Labor Risks Associated with SEA/SH & VAC

Contractors and subcontractors will implement subprojects and they will be required to have a written contract with their workers consistent with the objective of ESS2 and in compliance with this LMP, as well as a signed Code of Conduct for workers that prohibits SEA/SH, prohibit the use of child (by both project workers themselves and/or the contractor or subcontractor), and forced labor (see chapter 7), and which will provide applicable sanctions for infractions, as noted above. In addition, to ensure vulnerable project workers (for example those who are illiterate, women providing foods/drinks to workers, night watch persons, etc.), subcontractors will be required to ensure there is a written contract with workers. In the case of illiterate persons, someone who the worker trusts and is literate will be able to review the contract and communicate it to the worker with a notation in the contract who was present to provide interpretation assistance.

In addition, the project may have labor risks associated with forced labor and child labor since there will be construction work, and some of this work will occur in rural areas where it may be difficult to monitor and where poverty rates are high. In addition, given civil works, there will be labor influx which increases the risks of community disruption to social cohesion, SEA/SH risks, and community health and safety (i.e.,

² For more details on the World Bank’s Environmental and Social Framework (ESF), see ESF: www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards. <http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards> . For the Guidance Note for Borrowers on ESS2, Labor and Working Conditions <http://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

transmission of communicable diseases such as COVID-19). Any SEA/SH risks pertaining to these activities will be addressed in the SEA/SH Prevention and Response Action Plan that will be prepared during implementation before the start of project activities and included in all Environmental and Social Management Plans (ESMP). The project will be expected to full abide by the relevant national laws on forced and child labor.

ii. Labor risks associated with lack of equal opportunity, transparency, and discrimination especially for vulnerable groups

The principle of equality, nondiscrimination and transparency are the key principles underlying employment decisions such as hiring and promotion, the ability of a person to perform the work, and access to employment opportunities, without regard to personal characteristics that are unrelated to the inherent work requirements. The provisions of national laws in this regard are very similar to the requirements of ESS2. However, there are special issues relating to access of workers with disabilities to the built environment, and communication of information for project workers with such as workers with physical or mobility disabilities working as clerks or as middle level administrative staff and who require access to PIU offices. These may require, for example, the provision of wheelchairs, ramps or elevators, and alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape.

The employers should ensure that access to buildings is facilitated for the workers with disabilities and that communication of information for project workers with disabilities uses alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape. This information should be made available to disabled workers at the time of their recruitment.

iii. Occupational Health and Safety (OHS) Risks

The risks are low to moderate and will depend on the type of subproject works to be implemented. Since the majority of contracted workers are unskilled and untrained from local population, there is a risk that some accidents may occur that lead to injuries. All contractors will be required to develop and implement written labor management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project's Environmental and Social Management Framework (ESMF) as well as the World Bank's Environmental, Health, and Safety (EHS) Guidelines³.

iv. Overtime Work Risk

This risk relates to failure of paying wages or refusal to pay overtime, especially to workers, who are likely to work overtime to meet the tight schedules. The provisions of this LMP shall require a written commitment on the part of the contractor and subcontractor to fulfill these obligations in line with national law.

a) Number of Project Workers:

³ https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/ehs-guidelines

"Project workers" means any natural person employed directly by the Project Management Unit and/or the project implementing agencies to perform tasks that are directly related to the project (direct workers). These are:

- public officials of the State in a position of secondment or availability
- contract agents directly recruited by the project or the implementing agencies on behalf of the project (subject to The Gambia's employment regulations)
- agents of partner companies of the project with or without their own human resources management tools; consultants or independent experts
- agents of subcontracted companies (local or migrant)

The project will be employing both direct and contractual workers and the estimated number in both categories are provided below.

i. Direct Workers

These are people employed or engaged directly by the Borrower to work specifically in relation to the project and they include the staff of the Project Implementation Unit (PIU) and persons employed or engaged by the PIU to carry out specific tasks for the project such as design and supervision, monitoring and evaluation, or community engagement in relation to the project.

The project is in the process of recruiting the staff for the PIU. In the meantime, during project preparation two technical safeguards experts (one environmental and one social safeguards consultants) were hired to support the project preparatory team. Table 2 provides the projected direct workers staff requirement ten to be recruited for the PIU for the implementation and monitoring of project activities. Other workers will be recruited as implementation progresses.

The PIU will recruit 14 staff: 1 National Project Coordinator, 1 Financial Controller, 1 Accountant, 1 Tourism Adviser, 1 Assistant Accountant, 1 Environmentalist Safeguard Specialist, 1 Social Safeguard Specialist, 1 GBV Specialist, 1 Stakeholder Engagement/Communications Consultant, 1 Occupational Health and Safety Consultant, 1 Civil Engineer, 1 Procurement officer, 1 Driver, 1 Assistant. All of these positions will be based in Banjul and will be recruited prior to the start of project activities and maintained throughout project implementation.

ii. Contracted Workers.

Two broad categories of contracted workers are expected: (i) private organizations (contractors, sub-contractors) who will provide local capacity building, as well as implementation support services to the PIU; and (ii) those who work under the civil works contractors. Under the civil works, the workers would be hired in the implementation of infrastructural subprojects in the coastal areas (e.g., design, construction/ rehabilitation of coastal defense), access roads to tourist destinations and their rehabilitation. The estimated number of contracted workers is 100-150 some of which (especially for the civil works will only be recruited during the second year of implementation. There will also be additional consultants hired to support the PIU to enhance environmental and social risk management capacity, depending on areas of specialization required.

b) Characteristics of Project Workers:

Given the nature and characteristics of the labor force market in The Gambia who work in construction and coastal rehabilitation, it is likely the workforce will be predominantly male, all of whom will be

above 18 years of age. Women contracted workers are also expected to be hired. Most of the project workers to be recruited will be local to facilitate rapid implementation and extend project benefits via local employment. It is also envisaged to have international consultants and workers for skilled positions to fill skilled labor availability in the local workforce.

Professional business/capacity building companies will be contracted to carry out capacity building of MSMEs, surveys, and other assessments within the project. The nature of labor force will be skilled workers/experts and may include:

- Experts and consultant in the tourism development sector
- Experts in the development of startups in tourism-related activities
- Experts in finance and development of small and medium-sized enterprises
- Experts in tourism value chains
- Experts in coastal erosion
- Expert in the restoration of cultural heritage
- Civil engineers
- Coastal development
- Technicians and workers specialized in civil engineering works etc.

c) *Timing of Labor Requirements:*

The direct workers (PIU staff) will be required full time and for the entire project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of contracted workers will be known at later stages, however it is clear that they will be engaged depending on implementation of various sub-components on specific time slots.

d) *Contracted Workers:* It is anticipated that there will be between 100-150 contracted workers, 40-60% to be international workers, however it will vary greatly by the nationality of the firm and the local labor force skills availability and requirements of the project. For skilled labor for civil works, given the complexities involved with coastal works, it is expected skilled labors needs to be around 40% of the required labor force.

3. BRIEF OVERVIEW OF NATIONAL LEGISLATION

3.1 National Labor Legislation: Terms and Conditions

The legislation on labor protection in The Gambia is based on the Constitution of the Republic of The Gambia, 1997, the Labor Act 2007 and the Joint Industrial Council Agreement for Artisans and General Workers. The key areas addressed in these legal instruments are as follows:

- **Forced labor and Child Labor**

The Constitution of the Republic of The Gambia on labor conditions specifically prohibits the use of forced labor and child labor. Article 20 states under the relevant subsections as follows:

- (1) No person shall be held in slavery or servitude
- (2) No person shall be required to perform forced labor.

Regarding child labor, Art 29.2 of the Constitution states that:

“Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health of physical, mental, spiritual, moral or social development.”

The Labor Act 2007 (Art.45) also prohibits Child Labor.

- **Non- Discrimination in Employment and in Wages**

The Labor Act prohibits discrimination against persons with HIV/AIDS and women with respect to maternity leave. Discrimination against women at the workplace is treated in more detail under the Women’s Act of 2010 which categorically prohibits discrimination against women in employment giving “every woman the right to work on the basis of the same employment opportunities, including the application of the same criteria for selection in matters of employment.” (Art. 16). Similarly, women have the right to equal remuneration, social security, and maternity benefits (Art. 18 Women’s Act 2010). Other provisions of the Act include protection and safety at work, maternity leave and non-discrimination based on marital status.

However, there are no specific provisions in the Labor Act or the Women’s Act against sexual harassment or violence/abuse in the workplace.

- **Working Hours and Overtime**

The Joint Industrial Council Agreement for Artisans and General Workers defines conditions of employment and sets the hours of work for Artisan and General Workers as forty-two hours a week of eight hours per day (Monday to Thursday) and five hours per day on (Friday and Saturday). For transport workers, the normal working hours are also forty-two hours per week.

With respect to overtime, workers are entitled to overtime payment as follows:

Time worked on any day more than the normal number of hours:

- (a) on any day other than Sundays and Statutory Public Holidays: Time and Half
- (b) on any Sunday (being a normal rest day): Double Time
- (c) on Statutory Public Holidays: Double Time

- **Leave**

In addition to national holidays, employees have the following annual leave entitlement with the same employer:

- 1-3 years: 14 working days
- 3-7 years' service: 21 working days
- Over 7 years: 30 working days

Women's Act, 2010 provides for maternity leave "with pay at her normal rate for not less than six weeks immediately preceding the expected date of confinement and for not less than six weeks following that date" (Art. 20.1). The Act also provides for paternity leave for a period of ten days (Art. 20.2).

- **Wages and Deductions**

Presently, the official minimum wage is considered very low and not reflecting the current labor wages in the market. A new one has been prepared awaiting approval.⁴ In addition to wages, employers are also required to pay for work-related damages to health or property, and the next-of-kin are compensated in case of death but the claim should be made not later than six after the date of the employee. Deductions are allowed for specific reasons, but "total deductions shall not exceed one third of all remuneration due in that wage period (Article 77-Labor Act 2007). These may include deductions of a reasonable charge for food, drink, lodging, or clothing supplied by the employer to employee, deduction of an amount for recovery of an advance made to an employee or in order to adjust a previous over-payment of wages.' Art. 77 Labor Act 2007

- **Labor disputes**

Individual labor disputes on matters between an employer and a worker or between an employer and a group of workers over matters such as terms or condition of employment or performance, demotion, suspension, or termination may be referred to the Commissioner of Labor or to the official of the trade union to which the worker belongs. The latter will bring the matter to the attention of the Commissioner for settlement. Where the Commissioner fails to settle the dispute, the worker or the trade union may bring the matter before the Industrial Tribunal set up by the Labor Act, 2007.

- **Freedom of Association and Collective Bargaining**

Workers have the right to establish and join workers' organizations of their choice in accordance with the Constitution and the Laws of The Gambia (Article 107, Labor Laws , 2007).

- **Occupational Health and Safety**

The Labor Act 2007 addresses occupational health and safety issues under Articles 72 and 37.1(c). Article 72 establishes the obligations of the employer to ensure occupational safety through the supply, free of charge of safety equipment and safety devices, which the workers are required to use for their protection. Article 37 requires newly engaged or transferred workers to undergo training to undertake their work adequately and safely.

⁴ According to the Act, the Joint Industrial Council reviews wages and when agreement is reached between the parties, the decision is conveyed to the minister responsible for labor who puts the information in the gazette following which the recommendations come into effect.

- Under ESS2, the measures relating to OHS are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working will apply to the project and they consider the requirements of ESS2 and national law requirements on OHS and workplace conditions as they apply to the project. Project workers should receive OHS training at the start of their employment or engagement, and thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file.

4.0 WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS (ESS2)⁵

Summary of key requirement under ESS2

ESS2 requires that MOBSE prepares and implement internal labor management procedures applicable to the project that define the working conditions and management of worker relationships in accordance with the requirements of national laws and ESS2. These procedures are set out in the present LMP.

- **Working conditions**

ESS2 requires that information and documentation that is clear and understandable be provided to workers regarding their terms and conditions of employment. The information and documentation should set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship, and when any material changes, to the terms or conditions of employment occur.

- **Terms and conditions of employment**

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination in employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The documentation containing this information should be accessible to inform the project workers concerned and provided in a language understood by the workers.

- **Non-discrimination and equal opportunity and workers opportunity**

ESS2 prohibits discrimination in employment of project workers with respect to recruitment, hiring, termination of employment, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent work requirements, which nullify or impair equality of opportunity or treatment in employment. Inherent work requirements refer to genuine occupational qualifications that are necessary to perform the work.

ESS 2 also provides for appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific group of workers, such as women, people with disabilities. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of vulnerability. The measures may include addressing working conditions, access to the built environment, and communication of information for project workers with disabilities.

⁵ For more details on the World Bank's Environmental and Social Framework (ESF), see ESF: www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards. For the Guidance Note for Borrowers on ESS2, Labor and Working Conditions <http://documents1.worldbank.org/curated/en/149761530216793411/ESF-Guidance-Note-2-Labor-and-Working-Conditions-English.pdf>

- **Workers organizations**

ESS2 also recognizes worker organizations and in countries like The Gambia, where workers have the legal right to form unions or other workers organizations of their own choosing and to bargain collectively with their employers, national laws would prevail. However, workers organizations should be representative of the workforce and operate pursuant to the principles of fair and reasonable representation of workers and their interests in the context of the project.

- **Protecting the work force**

ESS2 prohibits child labor and sets the minimum for employment at 14, “unless national legislation specifies a higher age”. This provision also prohibits forced labor, which is any work or service done without the free and informed consent of a worker.

- **Grievance Mechanism**

It is also a requirement under ESS2 to establish a grievance mechanism for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns and such workers should be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use.

4.1 Gap Analysis between The Gambia Legal Framework and the Environmental and Social Standard (ESS)2 of the World Bank

Table 1: Gab analysis between the Gambia legal framework & the World Bank ESS 2

ESS & Topic	Major WB requirements	Key requirements in Gambian legal framework	Gaps	Actions Taken
<i>A. Working conditions and management of labor relations</i>	<ul style="list-style-type: none"> -Written labor management procedures. -Terms and conditions of employment. <ul style="list-style-type: none"> • Nondiscrimination and equal opportunity, including workplace environment free of all forms of violence and abuse, such as sexual harassment, access to communication of information for project workers with disabilities. • Worker’s organizations. • Labor Management Plans including Contractor’s ESMP. 	<ul style="list-style-type: none"> -Written employment contract required, including procedures and employment conditions. -Non-discrimination and equal opportunity requirements exist for women and persons with HIV/AIDS. -Workers organizations 	<ul style="list-style-type: none"> - No legal provisions related to SAE /SH at the workplace -No requirement for labor management procedures/plan - Limited Scope of nondiscrimination limited to women and persons with HIV/AIDS 	<ul style="list-style-type: none"> -SEA/V, SH included in the LMP - LMP adopted the wider definition of nondiscrimination of ESS2 including access to communication of information for project workers with disabilities. -- Contractor’s ESMP will include similar provisions
<i>B. Protecting the work force</i>	<ul style="list-style-type: none"> • Child labor prohibition- minimum age 14. • Forced labor prohibition. 	<ul style="list-style-type: none"> • Child labor prohibition (minimum age 16). • Forced labor prohibition. 	Gambia law has a higher minimum age	LMP adopted the national legislation of 18 years as minimum age for employment for this Project
<i>C. Grievance mechanism</i>	GM should be in place for direct and contracted workers, including provisions that explicitly address the ethical and confidential management and resolution of SEA/SH claims	Grievances addressed through the administrative and judicial processes	No specific GM process for project workers & no provision for ethical and confidential treatment of SEA/SH	The ESMP & LMP will include a GM and workers are to be informed about it at the start of their employment

<p><i>D. Occupational Health and Safety</i></p>	<ul style="list-style-type: none"> • Detailed procedures required for every project. • Requirements to protect and train workers, document, and report all occupational accidents, diseases, and incidents, provide for emergency prevention and response arrangements to emergency situations. <p>Remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.</p> <ul style="list-style-type: none"> • Monitor OHS performance. 	<ul style="list-style-type: none"> • Requirements to protect and train workers, document incidents, conduct emergency preparation. <p>-Remedies provided for adverse impacts such as occupational injuries, deaths, disability.</p> <p>-Monitoring through visits by labor officer of the Labor Department</p>	<ul style="list-style-type: none"> • No detailed procedure required for every project 	<p>The LMP includes the provisions of ESS2 which will be monitored on regular basis to ensure compliance</p>
<p><i>E. Category of workers</i></p>	<p>Specifies categories of workers</p>	<p>No such classification</p>		<p>LMP has established such categorization</p>
<p><i>F. Minimum age of workers</i></p>	<ul style="list-style-type: none"> • Minimum age for employment is 14 unless national law specifies a higher age. • A child between 14-18 may not be employed or engaged in connection with the project in a manner that is likely to be hazardous (exposure to physical, psychological, or sexual abuse, underground, underwater, working at heights or in confined spaces, etc.). 	<p>Employment permissible at 16 but for light work only. Light work is defined as work not likely to be harmful to the health or development of the child and does not affect the child's attendance to school or the capacity of the child to benefit from schoolwork (ACT 43.1 Children's Act 2005)</p> <p>The child should not be engaged in hazardous work which includes going to sea, mining, and quarrying and carrying heavy load.</p>		<p>LMP defines the minimum age for employment in this Project as 18.</p>

5.0 RESPONSIBLE STAFF

The Project Coordination Unit (PIU) will oversee and guide all the workers associated with the project.

The E&S Specialists of the PIU will be responsible for the following:

- Implement the LMP
- Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project's safeguard instruments ESMP
- Verify that contractors are meeting labor and OHS obligations toward contracted and subcontracted workers as required by Gambian law and respective contracts between the PIU and the contractors
- Monitor contractors and subcontractors' implementation of the LMP
- Monitor compliance with OHS standards at all workplaces in line with the national occupational health and safety legislation.
- Monitor and implement training on LMP and OHS for project workers.
- Ensure that the grievance mechanism for project workers and personnel is established and implemented, including specific provisions for the ethical and confidential management and resolution of SEA/SH and VAC claims, and that workers are informed of its purpose and how to use it
- Develop a system for regular monitoring and reporting on labor and OHS performance.
- Develop a code of conduct for workers as well as direct project personnel, which expressly prohibits SEA/SH and VAC, provides for applicable sanctions, and must be signed by workers, monitor its implementation, and ensure that workers and project personnel receive training on SEA/SH and VAC, the code of conduct, and prohibited behaviors, in addition to instruction on GM complaint procedures, as noted above

The responsibilities of the contractors are as follows:

- Follow the LMP and OHS requirements in line with the safeguard instruments provisions and as stated in the contracts signed with the PIU for the direct workers and with the Contractor for the contracted works. If the number of workers (direct and contracted) is above 50, then Contractors will develop their own LMPs and OHS plans.
- Supervise the subcontractors' implementation of LMP and OHS requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Clearly communicate job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor/subcontractor is aware of the PIU dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe labor under Gambian law, on the risks of their jobs, and on measures to reduce risks to acceptable levels, including training on SEA/SH and VAC risks, prohibited behaviors under the code of conduct, and GM complaint procedures for confidential management of SEA/SH and VAC claims.
- Conduct training on LMP and OHS to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the code of conduct, which expressly prohibits SEA/SH and VAC and lists applicable sanctions, prior to the commencement of works and supervise compliance with the code.

6. POLICIES AND PROCEDURES

Ministry of Tourism and Culture will incorporate standardized environmental and social clauses, including those that specifically address gender, SEA/SH and VAC and social inclusion risks, in the tender documentation and contract documents in order for potential bidders to be aware of environmental and social performance requirements expected from them and are able to reflect that in their bids, as they are expected to implement the clauses for the duration of the contract. The Ministry through the PIU will enforce compliance by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the PIU. The contractual arrangements with each project worker must be clearly defined.

Recruitment of Workers

As specified in the national legislation and the requirements of ESS2, employment of project workers will be based on the principles of nondiscrimination 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. Terms of employment made on the basis of personal characteristics unrelated to inherent work requirements are prohibited.

The following measures will therefore need to be followed by contractors and monitored by the PIU to ensure fair treatment of all employees regardless to personal characteristics:

- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexual orientation, disability, sex, or gender identity. Recruitment of female candidates should be specifically encouraged and promoted, especially for female employees in non-traditional roles or in supervisory positions, and the project should ensure specific outreach to women to ensure that they are well-informed and aware of open recruitments and how to apply
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors
- Clear job descriptions will be provided in advance of recruitment that 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
- Prior to the physical start of the assignment, all workers will be invited to undergo a medical clearance process to ascertain they are fit to work and bear no undisclosed medical conditions that may be harmful or incompatible with the level of efforts to undertake the work
- Employers are compelled to register all workers, at the national agency for employment and contribute monthly towards their retirement plan
- Employees will be informed, at least two months before the expected termination date, of their employment contracts
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the employer
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation. The explanation will be provided in a language understood by the worker

- Foreign workers will require work permits, which will allow them to work in The Gambia
- Employment of children under 18 years of age is prohibited, unless with an exceptional authorization to work as an under-aged worker (17-19 years old, as interns, etc.) and under acceptable working conditions
- Under no circumstances will contractors, suppliers or sub-contractors, agents engage in forced labor practices
- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration
- Special measures

Occupational Health and Safety (OHS)

The Health and Safety specifications will include the following provisions:

- Ensuring workplace health and safety standards in full compliance with Labor Act including (1) basic safety awareness training to be provided to all persons as a pre-condition for presence at an active construction site; (2) all vehicle drivers to have appropriate licenses, (3) Safe management of the area of operational sites.
- All workers and/or visitors on the site to be provided with functional PPE (Personal Protection Equipment) and 15 minutes safety and security briefs prior to going on site.
- All worksites be equipped with (i) fire extinguishers) and (ii) a well designated and easily identifiable emergency gathering point. Appointed Focal Points will help to direct and organize personnel in emergency situation.
- All workplace health and safety incidents to be properly recorded in a register, which will be shared with the PIU. The register should include (1) time and place of incident; (2) type of incident; (3) type of injury or other impact occurring, and number of workers affected; and (4) actions taken (first aid, evacuation etc.). Any registration of SEA/SH or VAC incidents will be undertaken separately and in accordance with the specific procedures set forward under the project GM for the management and resolution of SEA/SH and VAC claims as per the SEP.
- All work sites to have a health and safety plan including identification of potential hazards and actions to be taken in case of emergency, including location of accident and emergency facilities. This includes OHS protocols to mitigate against the transmission of COVID-19 as per the safeguard instruments.
- All employees to be aware of their rights under the Labor Law 2007, including the right to organize.
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

A system of regular review of OHS performance and the working environment will be put on place.

7. AGE OF EMPLOYMENT

The Gambian law prohibits anyone under 18 from performing “unhealthy or heavy or unsafe” labor; however, children of 16 years of age can be employed in light work.⁶ Contractors will be required to verify and identify the 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. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, considering the best interest of the minor. Other measures may include prosecuting the offender and if found guilty will be liable to a fine of fifty thousand or to an imprisonment for a term not exceeding three years or both the fine and imprisonment (Art. 47 Children’s Act 2005). Contractors will need to keep records including verification records, which will be reviewed at regular intervals to ensure that verification has been undertaken to only hire people of 18 years old and above as it is stated in the 2007 Labor Act and Art. 47 Children’s Act 2005.

⁶ Light work means, work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance to school or the capacity of the child to benefit from schoolwork (ACT 43.1 Children’s Act 2005)

8. TERMS AND CONDITIONS

The employment terms and conditions applying to PCU employees, including those related to SEA/SH and VAC risk, will be brought to the attention of all new employees and the labor management procedures will apply to all PCU employees who are assigned to work on the project (direct workers). The contractors' labor management procedure will set out terms and conditions for the contracted workers. These terms and conditions will be in line with this LMP, the Gambia Labor Act 2007 and the Joint Industrial Council Agreement for Artisans and General Workers (2007), Children's Act (2005).

All terms and conditions as outlined in ESS2, paragraphs 10 to 15 apply to contracted workers. In addition, the following also apply:

- In line with national legislation, the maximum working hours are limited to forty-two hours a week of eight hours per day from Monday to Thursday and five hours per day on Friday and Saturday.
- Employers shall guarantee that the workers shall have at least one resting day per week. The employers shall also decide for the employees to take vacation according to law and any other statutory holidays.
- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexual orientation, disability, sex, or gender identity. There will be equal pay for equal work, regardless of sex.
- The wages paid by the employers to the workers shall not be lower than the local minimum wage when it comes into force.
- Provisions of the national laws and ESS2 as contained in the LMP must be followed, including maternity leave for female employees.
- Vulnerable project workers with disabilities, which affect their access of the built environment, will be provided with wheelchairs, whilst those with disability in accessing communication of information will be provided alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape.

The labor contract shall be provided to workers in writing and shall have the following provisions:

- a) The terms of the labor contract
- b) Works content
- c) Labor protection and working conditions
- d) Remuneration for labor
- e) Labor discipline
- f) Conditions for termination of the labor contract
- g) Responsibility for breach of labor contract
- h) Individual Staff Code of Conduct
- i) Grievance Mechanism

9. GRIEVANCE MECHANISM

A grievance mechanism (GM) is a procedure that provides a clear and transparent framework for addressing work-place concerns related to the recruitment process and in the workplace. This typically takes the form of an internal procedure for complaints, followed by consideration and management response and feedback. A GM will be provided for all direct workers and contracted workers to raise workplace concerns, including procedures for the ethical and confidential management of SEA/SH claims in the workplace.

9.1. Principles

The project workers' grievance mechanism is based on the following core principles:

- **Provision of information.** All employees must be informed about the grievance management mechanism at the time of hiring, and details of how it works must be readily available, for example, in documentation provided to employees or on bulletin boards.
- **Transparency of the process.** Workers need to know who they can turn to in the event of a grievance and be informed of the support and sources of advice available to them. All line and senior managers need to be familiar with their organization's grievance management mechanism.
- **Update.** The mechanism must be regularly reviewed and updated, for example by referring to any new statutory directives, any changes in contract or representation.
- **Confidentiality.** The mechanism must ensure that complaints are treated confidentially. If the procedures specify that complaints must first be addressed to the supervisor, it must also be possible to lodge a complaint first with another manager, for example the head of human resources.
- **Reprisal.** The mechanism must ensure that all employees are free from all forms of retaliation.
- **Reasonable time limits.** The mechanism should indicate the time required to thoroughly investigate complaints but should also aim at prompt resolution. The longer the procedure takes, the more difficult it can be for both parties to return to normal afterwards. Time limits should be set for each stage of the procedure, for example, a maximum period between the time a complaint is communicated and the holding of a meeting to consider it.
- **Right of Appeal.** An employee must be able to appeal to the World Bank or national courts if he or she is not satisfied with the initial finding.
- **Right to be accompanied.** At any meeting or hearing, the employee must have the right to be accompanied by a colleague, friend, or union representative.
- **Maintaining a registry.** A written record must be kept documenting all stages of the management of a complaint, including a copy of the initial complaint, the Company's response, recorded notes of any meeting, conclusions, and reasons for such findings. Any case relating to sexual exploitation or sexual abuse must be registered separately and under the strictest confidentiality.
- **Relationship to collective agreements.** Claims procedures must comply with any collective agreement.
- **Relationship to regulations.** The grievance management mechanism must be in accordance with the National Labor Code.

The project will have two sets of GMs. One will be established by the PIU for the direct workers and another to be set up by the contractors for the contracted workers. As community workers will not be used in the project, there is no GM for this category of workers.

9.2. Direct workers' GM structure

The GM for Direct Workers will operate at two levels:

First level. The Project Coordinator together with the official responsible for Human Resources issues within the PIU, will oversee the implementation of the GM. The officer responsible for Human Resources will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in/non-payment of salaries. The Project Coordinator support the Officer to find an acceptable solution to the complaint. If the issue cannot be resolved at the first level within seven working days, then it will be escalated to the next level.

Second level. The Ministry Permanent Secretary is the second level in the GM for direct workers. If there is a situation, in which there is no response from the PIU, or if the response is not satisfactory then the complainant has the option to appeal directly to the PC to follow up on the issue. The complaints should be considered, and feedback provided within next seven working days.

It should be noted that any SEA/SH-related claims will be handled under the GM through a separate set of specific procedures designed for the ethical and confidential intake and management of such claims provided in the Stakeholder Engagement Plan (SEP) for the whole project.

9.2. Contracted workers' GM structure

Contractor level. Contractors should develop their own GM and to resolve the grievances of contracted workers.

A Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If, after seven days, there is no response from the Grievance Focal Point (GFP) or if the response is not satisfactory, then the complainant has the option to contact the Project Coordinator directly to follow up on the issue. Where the complainant is dissatisfied with the outcome of this process, he/she has the right to take the matter to judicial process.

Each grievance record should be allocated a unique record number reflecting year and sequence of received complaint (see the attached logbook in Annex 3). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy. The Social Safeguards Specialist in the PIU will be responsible for undertaking a regular (at least monthly) review of all grievances to analyze and respond to any common issues arising. The Social Safeguard Specialist is also responsible for oversight of the GM.

As noted above, the GM for the contractor must likewise incorporate a separate set of specific procedures designed for the ethical and confidential intake and management of SEA/SH claims that arise. SEA/SH incidents will be routed to the project level SEA/SH-GM channel and workers will informed of its existence during information and training sessions on the Codes of Conduct and Grievance Mechanism prior to the start of work.

10. CONTRACTOR MANAGEMENT

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

Contractors' labor management records and reports that may be reviewed would include:

- representative samples of employment contracts or arrangements between third parties and contracted workers
- records relating to grievances received and their resolution
- reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions
- records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain OHS risks and preventive measures

11. EMPLOYEES OF PRIMARY SUPPLIERS

Suppliers of goods and service providers will be selected according to the competitive bidding procedures specified in the project procurement plan. The services will be governed by the Labor Act of the Republic of The Gambia and will be performed in compliance with the World Bank's Environmental and Social Standards (ESF).

For service providers, the procedures applicable to direct and indirect workers of the project are applicable. In addition, the project will make the necessary efforts to ensure that third parties who hire contract workers are legally constituted and reliable entities and have developed workforce management procedures tailored to the project. This will be done through periodic and cross-checks with suppliers who will have to provide administrative and supporting documents of their existence and with the state institutions that issue these documents.

The project will put in place procedures for managing and monitoring the performance of these third parties. In addition, the project will have to integrate these requirements into contractual arrangements with these third parties, as well as appropriate redress mechanisms in case of non-compliance. Regarding subcontracting, the project will require these third parties to include equivalent provisions and redress mechanisms for non-compliance in their contractual agreements with subcontractors.

Where there is a serious risk relating to security issues relating to employees of primary suppliers, the PMU will require the lead supplier to develop procedures and mitigation measures to address it. These procedures and mitigation measures will be reviewed periodically to verify their effectiveness.

The PIU's ability to manage these risks will depend on the degree of control or influence it exercises over its primary suppliers. If it is not possible to manage these risks, the PMU will, within a reasonable period, replace the main suppliers of the project with suppliers who can demonstrate that they meet the relevant requirements.

Contract workers will have access to the complaints handling mechanism. In the event that the third party that employs or hires them is unable to provide them with a grievance management mechanism, the project will give these contract workers access to the complaint management mechanism mentioned above.

12. CAPACITY BUILDING

While the provisions outlined in this LMP are in many respects consistent with the requirements of the Labor Act 2007, with only limited additional provisions (for example, the worker Grievance Mechanism) to meet the requirements of ESS2, the LMP considerably exceeds actual practice in labor management in The Gambia. Therefore, to ensure that project partner agencies and contractors meet these obligations, the project will organize trainings and awareness-raising workshops, including those directed at addressing and understanding SEA/SH risk and associated mitigation measures, to be attended by the key project personnel, contractors, representatives of each project partner agency, the Labor Department, and community leaders (village heads and religious leaders) and influential/opinion leaders (youth leaders, women leaders, etc.).

The costs related to the training will be included in the activity program of the safeguard instruments (ESIA/ESMP) of which these trainings are an integral part.

Annex 1: Select Bibliography

Republic of the Gambia (2005). *The Children's Act*.

---- (2007). *Labor Act*.

---- (2010). *Women's Act*

---- (2007). *Joint Industrial Council Agreement for Artisans and General Workers*

---- (1997). *Constitution of the Republic of the Gambia*

World Bank (2018) Environmental and Social Framework (ESF). Washington, DC.

The World Bank, Project Appraisal Document – March 2022 (Draft version)

Annex 2 Codes of Conduct and Action Plan for Implementing ESHS and OHS Standards, and Preventing Gender Based Violence and Violence Against Children

Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

The company is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment in which gender-based violence (GBV) and violence against children (VAC) have no place, and where they will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

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

General

1. The company—and therefore all employees, associates, representatives, sub-contractors, and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to full implementing its ‘Contractors Environmental and Social Management Plan’ (CESMP).
3. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including sub-contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

Health and Safety

1. The company will ensure that the project’s occupational health and safety (OHS) Management Plan is effectively implemented by company staff, as well as sub-contractors and suppliers.
2. The company will ensure that all persons’ on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents and reporting conditions or practices that pose a safety hazard or threaten the environment.
3. The company will:
 - i. prohibit the use of alcohol during work activities
 - ii. always prohibit the use of narcotics or other substances which can impair faculties

4. The company will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.

Gender Based Violence and Violence Against Children

1. Acts of GBV or VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment, and if appropriate referral to the Police for further action.
2. All forms of GBV and VAC, including grooming are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.

Sexual Harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior, is prohibited.

Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior are prohibited.

3. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
4. Unless there is full consent⁷ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.
5. In addition to company sanctions, legal prosecution of those who commit acts of GBV, or VAC will be pursued if appropriate.
6. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project's GBV and VAC Allegation Procedures.
7. Managers are required to report and act to address suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

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

⁷ **Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

1. All managers sign the project's 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
2. All employees sign the project's 'Individual Code of Conduct' confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV or VAC.
3. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
4. Ensure that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
5. An appropriate person is nominated as the company's 'Focal Point' for addressing GBV and VAC issues, including representing the company on the GBV and VAC Compliance Team (GCCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local service provider(s).
6. Ensuring that an effective GBV and VAC Action Plan is developed in consultation with the GCCT which includes as a minimum:

GBV and VAC Allegation Procedure to report GBV and VAC issues through the project Grievance Redress Mechanism (Section 4.3 Action Plan);

Accountability Measures to protect confidentiality of all involved (Section 4.4 Action Plan); and,

Response Protocol applicable to GBV and VAC survivors and perpetrators (Section 4.7 Action Plan).

7. That the company effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
8. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the project's GBV and VAC Codes of Conduct.
9. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV and VAC. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.

Date: _____ Signed at Location: _____

Printed Name: _____

Signature: _____

