



**LABOUR MANAGEMENT PROCEDURES  
FOR THE  
NIGERIA DISTRIBUTION SECTOR RECOVERY PROGRAM**



**TRANSMISSION COMPANY OF NIGERIA**

**Draft Final Report**

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## **ABBREVIATIONS**

BPE	Bureau of Public Procurement
DAP	Data Aggregation Platform
DISCOs	Electricity Distribution Companies
DISREP	Distribution Sector Recovery Program
DLIs	Disbursement Link Indicators
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESS	Environmental and Social Standards
FEC	Federal Executive Council
GBV	Gender-Based Violence
GRM	Grievance Redress Mechanism
HSE	Health Safety and Environment
IA	Implementing Agency
IPF	Investment Project Financing
LMP	Labour Management Procedure
LTI	Loss Time Injury
MoP	Ministry of Power
NERC	Nigerian electricity Regulatory Commission
OHS	Occupational Health and Safety
PDO	Program Development Objective
PforR	Program for Results
PMU	Project Management Unit
PIP	Performance Improvement Plans
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
TA	Technical Assistance

## EXECUTIVE SUMMARY

This Labour Management Procedure (LMP) was developed to identify and manage risks associated with labour and working conditions under the Distribution Sector Recovery Program (DISREP). It identifies labour requirements in line with applicable laws, standards and sets out the procedures for addressing labour conditions and risks associated with the DISREP in line with the World Bank Environmental and Social Standard 2 (ESS2).

An overview of labour use and characterization on the project has been provided. The LMP has assessed the potential labour risks associated with the project based on the type of work and workers and documented appropriate mitigation measures.

Compliance obligations have also been documented which will serve as supplemental policies that will guide the implementation of this LMP including national laws, international laws, and in particular, the World Bank ESS2.

The LMP sets out policies and procedures governing the following:

- ✓ Non-discrimination and equal opportunity
- ✓ Age of employment
- ✓ Terms and conditions of employment
- ✓ Working conditions
- ✓ Occupational health and safety (OHS)
- ✓ Forced labour
- ✓ Sexual harassment (SH), sexual exploitation and abuse (SEA), gender-based violence (GBV)
- ✓ Grievance Redress mechanism (GRM)
- ✓ Right of association and collective bargaining
- ✓ Community health & safety
- ✓ Engagement of community workers
- ✓ Contractors management
- ✓ Primary suppliers
- ✓ Discipline and termination of employment

Roles and responsibilities for implementing the LMP have also been documented in line with the project structure for implementing the DISREP. This LMP recognizes the significance of having a structured process for managing complaints and has established a grievance redress mechanism for workers. It has also provided to guide the development of site-specific Labour Management Plans by contractors as part of the Environmental and Social Management Plan.

# 1.0 INTRODUCTION

## 1.1 Project background

The Federal Government is requesting the support of the World Bank to implement the Nigeria Distribution Sector Recovery Program (DISREP) which aims to address the root causes of distribution sector underperformance. This will be achieved through support for the improvement of Electricity Distribution Companies' (DISCOs) operational performance, service delivery and governance through concessional lending to DISCOs, for the implementation of specific components of Nigerian electricity Regulatory Commission (NERC) approved Performance Improvement Plans (PIPs).

The Program Development Objective is to improve financial and technical performance of the DISCOs. The DISREP aims to directly benefit Nigerian power sector customers including residential, commercial and industrial customers and in particular women, with broader spill over benefits to other power sector participants and the broader Nigerian economy and environment. In addition, investments in infrastructure rehabilitation and customer metering will improve the quality and quantity of electricity supply to those already connected as well as improve customer experience through improvements in billing accuracy for currently unmetered customers. Reliable access to quality electricity supply will improve customer productivity and removes a major constraint to economic development.

## 1.2 Distribution Sector Recovery Program Components

The Nigeria Distribution Sector Recovery Project (DISREP) is a hybrid operation comprising (i) PforR Program, Investment Project Financing (IPF) and Technical Assistance component which are de facto IPF. This Labour Management Procedure (LMP) is focused on the labour and working conditions associated with the IPF and Technical Assistance components, whereas, the risks and impacts associated with the PforR program is covered under the Environmental and Social System Assessment (ESSA) for the P4R which is a standalone instrument as depicted in figure 1 below

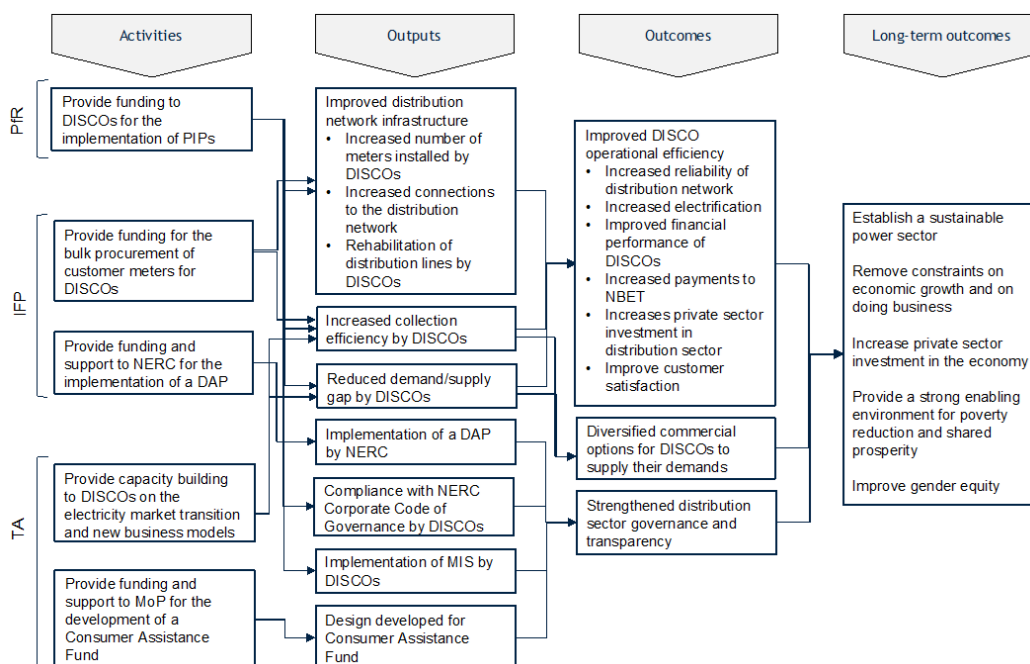


Figure 1: Inter-relationship between Project Components

### 1.2.1 IPF Component

The proposed operation would involve two IPF components for: 1) the NERC Data Aggregation Plan (DAP), and 2) the bulk procurement and transportation of meters for DISCOs.

**IPF Component 1 (IPF1): NERC Data Aggregation Platform.** To support NERC in addressing problems of inadequate data availability, inconsistent data quality, and irregular reporting of the sector operators, that impact their ability to monitor sector performance, the IPF1 component will support the scoping and implementation of a comprehensive DAP within NERC. The development and implementation of the DAP will be complemented by the parallel deployment of customer meters and the improvements in data management and reporting by DISCOs.

**IPF Component 2 (IPF2): Bulk procurement of customer/retail meters for DISCOs.** To support DISCOs' implementation of metering as part of their PIPs, the IPF 2 component will facilitate the bulk procurement of customer/retail level meters on behalf of DISCOs. The centralized procurement of meters will also ensure that meters are of a minimum standard and standardized where possible, which will facilitate the integration of metering data with the NERC DAP. The specification of the meters will adhere to the NERC Meter Code and will be established in partnership with DISCOs.

### 1.2.2 Technical Assistance Component

The proposed operation would involve three Technical Assistant (TA) components for: 1) PforR implementation support, 2) capacity building for DISCOs, and 2) the design of a social protection fund.

#### **TA Component 1 (TA1): DISREP Implementation Support.**

- The TA1 would include the establishment of a Project Management Unit (PMU) in the Bureau of Public Procurement (BPE) to assist with the functions of the PforR Implementing Agency.
- Implementation support to BPE will include support for verification of the DISCOs Disbursement Link Indicators (DLIs), working closely with an independent verification agent.
- The TA1 would include capacity building for implementation of measures identified in the Program Action Plan (e.g. strengthening of Safeguards, financial management, procurement capacity).

**TA Component 2 (TA2).** Technical assistance will be designed as Programmatic Technical Assistance (PTA) over a five-year period. The PTA will be supported and co-financed by the WB Energy Sector Management Assistance Program and include the following pillar, under which specific activities will be defined and implemented:

**Sub-Component 2.1 Capacity Building:** will involve capacity building for the Ministry of Power ( MoP) as well as DISCOs.

- This would include the development of a roadmap on electricity sector market evolution along with sector policies and regulation.
- Support DISCOs' capacity building and change management programs focusing on the application of new business models and commercial operations in DISCOs' services.
- A review of the current sector contractual frameworks and provide recommendations on potential changes as the market evolves, including options for direct sourcing of power supply from Generating Companies (GENCOs) as well as from embedded generation such as wind and solar.

- Support participating DISCOs to apply innovative approaches to identify gender gaps as well as the main impediments of disadvantaged customers to access electricity and to address them through the development of DISCO-specific gender strategies.

***Sub-Component 2.2 Design of a Consumer Assistance Fund:***

- i) assess the impact of the tariff increases on the poor;
- ii) identify suitable delivery mechanisms of the assistance and targeting principles that will minimize inclusion and exclusion errors for both metered and unmetered consumers;
- iii) model the possible financing sources and ranges of this fund and the financial support at the consumer level, while adhering to the Act of 2005; and,
- iv) propose a realistic and feasible design of the Consumer Assistance Fund, whilst adhering to principles of good program design, including outreach, intake, and registration, assessment of conditions and needs, enrolment, payments, tools (e.g. ICT), and communication schemes to increase citizen engagement.

**1.3 Labour Management Procedure (LMP)**

This Labour Management Procedure (LMP) was developed to identify and manage the potential impacts and risks associated with labour and working conditions under the Investment Project Financing (IPF) component of the Distribution Sector Recovery Program (DISREP). It identifies labour requirements in line with applicable laws, standards and sets out the procedures for addressing labour conditions and risks associated with the DISREP, which is aimed at helping the project determine, plan resources necessary to address project Labour issues and implement the plan. The LMP is enshrined within the context of applicable Nigerian laws, notably the Labour Act 1974, Occupational Safety and Health Act 2005, Nigerian Electricity Health and Safety Standards Manual, the World Bank Environmental and Social Standards (ESS) 2: Labour and Working Conditions, International Labour Organization (ILO) and ISO 45001 requirements.

The LMP applies to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2 to the Project.

The main objective of the LMP is to recognize the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Other objectives include:

- To protect project workers including vulnerable workers such as women and girls, persons with disabilities, children of working age, contracted workers, and primary supply workers
- To promote safety and health at work
- To promote the fair treatment and non-discrimination
- To prevent the use of all forms of forced labour and child labour
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with an accessible platform to raise workplace concerns



#### 1.4 Scope of The Labour Management Procedure

This LMP describes the requirements and expectations in terms of compliance, reporting, roles & responsibilities, monitoring, supervision and training with respect to labour and working conditions, including camp accommodation. This LMP covers all categories of project workers under the IPF component but exclude government workers/civil servants working in connection with this project except there is a legal transfer of their employment or direct engagement to this project.

The LMP sets out the following:

- Overview of labour use under DISREP
- Legal and regulatory requirements
- Assessment of key potential labour risks and impacts
- Mitigation of potential risks and impacts
- Policies and procedures, including:
  - ✓ Non-discrimination and equal opportunity
  - ✓ Age of employment
  - ✓ Terms and conditions of employment
  - ✓ Working conditions
  - ✓ Occupational health and safety
  - ✓ Forced labour
  - ✓ Sexual harassment (SH), sexual exploitation and abuse (SEA), gender-based violence (GBV)
  - ✓ Grievance Redress mechanism (GRM)
  - ✓ Right of association and collective bargaining
  - ✓ Contractors management
  - ✓ Primary suppliers
  - ✓ Discipline and termination of employment
- Roles and responsibilities for managing the LMP
- Grievance redress mechanism for workers

## 2.0 OVERVIEW OF LABOUR USE IN THE DISREP

### 2.1 Category of Workers

Environmental and Social Standard 2 (ESS 2): Labour and Working conditions of the World Bank's Environmental and Social Framework (ESF) categorizes workers into direct workers, contracted workers, community workers, and primary supply workers. Project workers refer to:

- i. people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers);
- ii. people employed or engaged through third parties (contractors, subcontractors, brokers, agents or intermediaries) to perform work related to core functions of the project, regardless of location (contracted workers);
- iii. people employed or engaged by the Borrower's primary suppliers (primary supply workers);

The outlined project workers include full-time, part-time, temporary, seasonal and migrant workers.

The categories for which the DISREP workers have been defined are provided below:

- a. **Direct workers:** Direct workers will comprise a mix of government civil servants from various relevant line ministries (deployed to work directly on the project) and those engaged as technical consultants, full and part-time, by the coordinating and implementing agencies under the project. The former will be governed by a set of public service rules, the latter by mutually agreed contracts. All workers from these organizations engaged directly by the borrower to work on the DISREP are considered direct workers. This includes workers within the Project Management Unit (PMU) which will be domiciled in the Bureau of Public Procurement (BPE), the implementing agency for the P4R component. Direct workers will also include staff from the Transmission Company of Nigeria (TCN), the implementing agency for the IPF and TA components. NERC is another organisation involved in the project at the Federal level, and in the various states involved in the project,
- b. **Contracted workers:** Two broad categories of contracted workers are expected. First is Consultant service providers who will provide implementation support services to the various organisations involved in the project. The second category involves those who will be contracted to carry out services under the project including contractors, subcontractors, transporters, waste managers, storage services, installation, agents and other forms of services that will require contractors.
- c. **Primary Suppliers:** include suppliers of items such as meters, ICT hardware and software, operational equipment, and other items under procurement of project goods.

### 2.2 Characterization of Labour requirements

Given the nature of the project and categories of workers required, the workforce will comprise of both skilled and unskilled labour, technical staff, and government civil servants, full-time, part-time, migrant/seasonal workers. A summary of the labour characterization is presented in Table 1.

**Table 1: Labour Characterisation under DISREP**

<b>WORKER CATEGORY</b>	<b>DESCRIPTION</b>	<b>TYPE OF WORK</b>
Direct Workers	People who will/deployed to work directly for the project, including project workers as indicated below:	
	BPE	DISREP TA component will support the establishment of a Project Management Unit (PMU) in BPE and workers within the organization will be deployed to execute various project activities in the PMU.
	NERC	Some NERC workers will be involved in the implementation of a comprehensive NERC Data Aggregation Platform (DAP) which will include hardware and software components and data management
	TCN	TCN is the implementing agency for the IPF and TA components. Some staff will work directly for the project on: <ul style="list-style-type: none"> <li>• Bulk procurement of customer/retail meters for DISCOs</li> <li>• Implementation of TA component which will entail : <ul style="list-style-type: none"> <li>✓ implementation support for the establishment of a PMU in BPE to assist with the P4R</li> <li>✓ support for verification of the DISCOs DLIs working closely with an independent verification agent</li> <li>✓ capacity building</li> </ul> </li> </ul>
	Technical Consultants	Technical Consultants will provide technical assistance under the project, based on their various areas of expertise
Contracted Workers	Contractors, subcontractors, transporters, waste managers, storage services, installers, agents, migrant/seasonal workers	These types of workers will be engaged for: <ul style="list-style-type: none"> <li>• Installation of DAP in NERC</li> <li>• Management of waste including e-waste</li> <li>• Loading and off-loading and unloading of packages</li> <li>• Temporary/ permanent storage of equipment</li> <li>• Transportation of equipment and infrastructure</li> <li>• Enumeration/ data collection for the design of a consumer assistance fund</li> </ul>
	Consultants	Consultant service providers who will provide implementation support/advisory services
Primary Suppliers	Suppliers of Goods and materials over which a primary supplier exercises control over the work, working conditions and treatment of the person	<ul style="list-style-type: none"> <li>• Supply of meters</li> <li>• Supply of ICT equipment</li> <li>• Supply of operational equipment</li> <li>• Other procured goods</li> </ul>

### **2.3 Number of Project Workers**

At the point of preparation of this LMP, the exact scope of project works like the exact specification of the DAP, how many meters will be purchased, number of staff at each level etc. are not yet known. Hence identifying the number of potential workers required is impossible at this stage. When the exact project scope is known, site-specific Labour Management Plan will be prepared as a part of the Environmental and Social Impact Assessment/Environmental and Social Management Plans to provide estimated numbers of required workers.

## 3.0 LEGAL AND REGULATORY REQUIREMENTS

### 3.1 Introduction

There are national laws, policies, systems, standards and international good practice codes that govern labour and working conditions associated with projects such as the DISREP which the project will comply with. Such requirements are outlined in this section.

### 3.2 Policies and Acts

**Labour Act, Chapter 198, Laws of the Federation of Nigeria (LFN) 2004:** The Act covers general provisions including:

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

**Factories Act, 1990:** The Factories decree 1990 is a landmark in legislation in occupational health in Nigeria. It provides a substantial revision of the colonial legislation, Factories Act 1958, in which the definition of a factory was changed from an enterprise with 10 or more workers to a premise with one or more workers thereby providing oversight for the numerous small-scale enterprises that engage the majority of the workforce in Nigeria. It stipulates the enforcement of compliance on factories, industries and organizations that employ labour on the protection of the right of workers to friendly environment, health and safety including provisions for prevention and protection from hazards, safety training and supervision, notification and investigation of accidents amongst others.

**Factories Act, Cap F1, LFN 2004:** The Act -

- Provides a legal framework for the regulation of safety standards for the operation of factories in Nigeria; and
- Sets out minimum standards for clean and conducive working environments

**Employees' Compensation Act (2010):** The Act provides compensation to employees who suffer from occupational diseases or sustain injuries arising from accidents at the workplace or in the course of employment. Payment of compensation (to the worker or his dependents in case of death) by the employer is rooted in the accepted principle that the employer has a duty of care to protect the health, welfare and safety of workers at work.

**Trade Unions (Amended) Act, 2005:** Relevant provisions include:

- 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.
- For the purposes of collective bargaining all registered Unions in the employment of an employer shall constitute an electoral college to elect members who will represent them in negotiations with the employer.
- The right to strike is an integral part of the freedom of every citizen to associate with others particularly to form or join a trade union of his choice for the protection of his interests, which is entrenched in section 40 of the Constitution of the Federal Republic of Nigeria 1999.
- No person shall subject any other person to any kind of constraint or restriction of this personal freedom in the course of persuasion.

**National Minimum Wage Act, 2010:** National minimum wage in Nigeria is determined by the Government. Government is empowered to set up "industrial wages boards" for specific sectors or geographical areas where it considers wages to be "unreasonably low" or where there is no adequate collective bargaining machinery for the effective regulation of wages or other conditions of employment of those workers.

Generally, wage rate is determined by the applicable collective agreement or the agreement between the worker and the employer.

Section 15 of the Labour Act states that "wages shall become due and payable at the end of each period for which the contract is expressed to subsist (daily, weekly or at such other period as may be agreed upon) provided that where the period is more than one month, the wages become due and payable at intervals not exceeding one month".

The Act applies across the all sectors/employers, with the exception of an establishment in which workers are employed or paid on part-time and/or on a commission or piece-rate basis: this implies that such supply and transport workers are bound by their contractual agreements

**The Occupational Safety and Health Act 2005:** this act states that every employer shall, so far as is reasonably practicable, ensure the safety, health and welfare at work of all his employees. Other special provisions relevant to this LMP include:

- Prohibitions regarding young persons
- Duties of employer regarding Safety and Health Officers
- Risk assessment by employer and Record of risk assessments
- Exposure to serious and imminent danger
- Duties of Safety and Health officers, Establishment of Safety and Health Committees
- Health and welfare: Structure of building, Overcrowding, Ventilation and temperature, Lighting, Sanitary conveniences, Supply of drinking water, Washing facilities, Provisions for first-aid
- Safety (Machinery): Training and supervision, use of equipment and machinery
- Safety (general provision): Safe means of access and safe place of employment, Substances hazardous to health, Prevention of fire, Safety provisions in case of fire

**National Policy on Occupational Safety and Health, revised 2020:** This policy was approved by the Federal Executive Council (FEC) in September 2020. While this has not been legislated, in this LMP it is captured as a guide for voluntary compliance and serve as a basis for OSH programs. Furthermore, it recognizes ISO 45001:2018 and captures policy provisions for implementing Occupational Safety and Health, and duties and roles of various groups including:

Statutory authority, federal ministry of health, MDAs, employers, organisations, manufacturers, transporters, workers, HSE Committees, Nigeria Social Insurance Trust Fund, Standards Organisation of Nigeria, Office of the Head of Civil Service, Mass Media, Academia, other stakeholders.

**Nigerian Electricity Health and Safety Standards Manual:** which outlines provisions for the following:

Creating a culture of safety in the workplace

Good housekeeping practices to minimize risks and incidents in the workplace including:

- ✓ Dust and dirt removal
- ✓ Employee facilities
- ✓ Surfaces
- ✓ Maintain light fixtures
- ✓ Aisles and stairways
- ✓ Spill control
- ✓ Tools and equipment
- ✓ Maintenance
- ✓ Waste disposal
- ✓ Storage

New employee orientation

Workers' rights

### **3.3 Federal Ministry of Labour and Employment**

The Nigeria Ministry of Labour and Employment is the country's designated authority for Labour-related matters. The ministry has the authority and capacity to ensure appropriate Labour management in the country; as such, its institutional framework is adequate to accommodate and oversee to the implementation of requirements under the World Bank's ESS2 – Labour and Working Conditions.

The Ministry is structured into six Zonal Labour offices, nine departments consisting of six professional and three service departments. It operates 36 State Labour Offices and the FCT, 23 District Labour Offices, Labour Desk Offices. Recently, 9 Labour Desks were approved for 9 ministries, department and agencies. In addition, it oversees 5 parastatals and relates to several national and international bodies and organizations. Thus, representatives of the Ministry are present in all the project participating DISCOs states.

## **Relevant Departments:**

### *a. The Inspectorate*

The Department is charged with the responsibility of ensuring compliance with all national and international Labour legislation 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.

### *b. Social Security Department*

The Ministry inaugurated a National Working Committee (NWC) on Social Security Policy for Nigeria. The outcome was the establishment of Social Security Department within the ministry to promote a coordinated and holistic approach to social security. The policy drafted by the NWC was in line with the 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.

### *c. 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 through:
  - 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 the National Directorate of Employment.

### *d. Occupational Safety and Health*

The Factory Inspectors under the department are responsible for the enforcement of Factories Act 1990, Cap 126 Law of the Federation of Nigeria. The Occupational Safety and Health Department has statutory responsibility for safeguarding and promoting the safety, health and wellbeing of workers in their various workplaces (Factories), through workplace Inspections, accident investigations, Safety and Health awareness campaigns, workplace Safety and Health audit, e.t.c, as well as developing policies, regulations, guidelines, codes of practice and other instruments, with a view to preventing the occurrence of work related accidents, injuries, diseases/ill health, and deaths and enhancing occupational safety and health performance levels for higher productivity among the workforce. They



also oversee the implementation of several other subsidiary legislations, which provide for the safety, health and welfare of workers in all workplaces nationwide. Some specific activities in line with OSH include:

- Special Inspection of workplaces.
- Investigation of accidents, dangerous occurrences and occupational diseases.
- Prosecution of recalcitrant occupiers.
- 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.
- Provision of technical assistance and advisory services to workplaces on HIV and AIDS interventions.

*d. The Office of the Registrar of Trade Unions*

The Registrar of Trade Unions is a unit in the Trade Unions Services and Industrial Relations Department, the office of the Registrar of Trade Union (RTU) is 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.

### **3.4 International Regulations**

The following international regulations are also relevant to the project:

1. International Labour Organization (ILO)

International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. The standards provide a comprehensive system of instruments

on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level of member-countries including Nigeria. Specifically, Nigeria is a signatory to the following agreements relevant to this project:

- Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)
- Right to Organise and Collective Bargaining, 1949 (No. 98)
- Discrimination (Employment and Occupation), 1958 (No. 111)
- Equal Remuneration, 1951 (No. 100)
- Child Labour, 1999 (No. 182)
- Abolition of Forced Labour, 1957 (No. 105)
- Occupational Safety and Health, 1981 (No. 155)

## 2. Africa Regional Labour Administration Centre (ARLAC)

The African Regional Labour Administration Centre was jointly established by the ILO and UNDP in 1974 as a project for the development of labour administration issues, then referred to as public administration activities in the field of national labour policy in ratified member states including Nigeria. The following areas are covered:

- Labour Administration
- Labour Inspection
- Occupational Safety and Health
- Employment Issues
- Training of Trainers
- Social Dialogue

## 3. Organization of African Trade Union Unity (OATUU)

OATUU, which Nigeria is a party to, performs its functions of coordinating trade union actions in Africa, defending the moral and material interest of African workers including migrant workers; harmonizing labour legislation and the principles of collective bargaining; working for African unity and economic integration; working for social and economic justice etc.

## 4. Africa Union, Labour and Social Affairs Commission (AULSAC)

Addresses issues on:

- Employment creation, with a particular focus on young people;
- Social protection in the context of widening inequalities;
- Inclusive social dialogue, anchored on International Labour Standards; and
- Migration and mobility as they impact on employment creation

## 5. Organization of Trade Union of West Africa (OTUWA)

Key Objectives of the OTUWA which Nigeria is part of, and relevant to this project include:

- ✓ To work towards full, decent and freely chosen employment and the elimination of all forms of discrimination based on race, sex, nationality or creed
- ✓ To fight for the improvement of working and living conditions including the extension and sustenance of social security coverage to everyone.
- ✓ To promote greater gender equality

### **3.5 International Finance Institution requirements**

In relation to this LMP, the most pertinent applicable requirement is The World Bank Environmental and Social Standard 2 (ESS 2): Labour and working conditions (The World Bank, 2017)

Other important requirements include:

- Performance Standard 2: Labour and Working Conditions (International Finance Corporation, 2006)
- Workers' accommodation: processes and standards (European Bank for Reconstruction and Development and International Finance Corporation, 2009)
- Universal Declaration of Human Rights (United Nations, 1948)
- International Labour Organization Core Conventions
- United Nations Human Rights Council: Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations

### **3.6 The World Bank Environmental and Social Standards: ESS 2**

The World Bank ESS 2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can 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 of the ESS 2 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 support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

The requirements of the ESS 2 on Occupational Health and Safety will be to carry out site-specific risk assessments (see annex 1 for sample) and develop appropriate risk prevention and mitigation measures. This will include the provision of appropriate personal protective equipment (PPE) and training to workers who are tasked to work on high risk tasks or areas and also informing them about the risks associated with the job. During risk assessment which will be conducted during screening process, possible hazards or risks related to the project activities will be identified, and mitigation measures will be included in the site-specific environmental and social management plans (ESMPs) and subsequently implemented and monitored as appropriate.

This Labour Management Procedure has been prepared in line with the World Bank ESS2 and National Labour Laws for all categories of workers. In addition, this has been integrated in the project Environmental and Social Management Framework (ESMF).

## **4.0 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS AND MITIGATION MEASURES**

This section outlines the potential labour risks and impacts associated with the DISREP. The labour risks and impacts associated with the project are moderate due to the nature of activities which are expected to have limited impacts as they can largely be avoided, minimized or managed through procedures, including procedures set out in this LMP. The LMP will be reviewed during project implementation and adequate measures and procedures to manage negative impacts will be indicated as required.

### **4.1 Project Activities which could Pose Labour Risks**

#### **IPF 1: Data Aggregation Platform**

- Procurement of DAP
- Transportation of equipment and infrastructure, project personnel
- Installation of DAP in NERC
- Workplace – working in project designated offices/spaces
- Recording of data
- Maintenance of DAP hardware and software
- Handling and disposal of e-waste
- Consultancy services

#### **IPF 2: Procurement of Meters**

- Recruitment/Deployment of staff to work in the project
- Workplace – project designated offices/spaces
- Procurement of Meters
- Transport of Meters from TCN to DISCO warehouses
- Storage of meters in warehouses
- Consultancy services

#### **TA 1: DISREP implementation Support**

- Establishing a PMU in BPE
- Recruitment/Deployment of staff to work in the project PMU at BPE
- Set of office space for PMU with all facilities
- Consultancy services

### **4.2 DISREP Labour Risk Analysis and Mitigation**

Table 3 below presents the labour risks and impacts associated with the DISREP along with appropriate mitigation measures. This was also documented in line with information obtained from stakeholders during stakeholders meetings. This provided a basis for the subsequent labour management policies and procedures as presented in section 5.

**Table 2: Labour Risk Identification and Analysis**

Risk Category	Labour Risks	Impacts	Mitigation
<p>Non-discrimination and equal opportunity</p>	<p>Unfair and unclear recruitment/employment and selection practices</p>	<p>This could discriminate against women, vulnerable groups, ethnicity, religion, etc.</p>	<p>The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.</p> <p>Government workers to be deployed to the PMU should have official letters of deployment, stating designation and reporting obligations</p> <p>Project implementing agencies (IAs) and organisations to safeguard the interests of vulnerable groups, women including gender parity at the workspace</p> <p>The Environmental, Social, Health and Safety System (ESSHS) team of the respective IAs (BPE, TCN, NERC) and contractors to monitor mitigation measures</p> <p>The IAs will track suppliers performance to inform whether labor management procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk</p>
	<p>Unfair and unclear deployment of government workers to work in the PMU (no contract, terms of reference, etc.)</p>	<p>Workers may become frustrated, lack focus or be redundant.</p>	
	<p>Lack of competitive process of employment/ deployment</p>	<p>This could also attract the attention of NGOs and legal actions against the project.</p>	
	<p>Payment of workers may be based on discrimination, e.g., male may be paid higher than women even on the same level of job schedule.</p>	<p>Displeasure arise and conflicts amongst workers. Sabotage and under-performance by workers</p>	
	<p>Foreign workers may be treated better than local workers in terms of living conditions, unequal pay, varying closing time, etc., even when they are on the same level of qualification and experience,</p>	<p>Create bad reputation for the project and the organisations involved</p>	
	<p>Favouritism for some and not for others</p>		

Risk Category	Labour Risks	Impacts	Mitigation
Terms and Conditions of Employment	Project workers may not be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment/ deployment	Speculations, wrong expectations, grievances, riots, refusal to work etc.  Workers may become frustrated, lack focus or be redundant	The project Implementing Agencies will ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations and requirements set out in this LMP. They will also closely supervise contractors to ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations and requirements set out in this LMP
	Lack of unified rules and regulations for all workers	High staff turnover Workers could be overlaboured, worker fatigue & stress	All information and documentation must be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur
	Adequate facilities may not be provided	Legal action against the project	Government workers deployed to the PMU should have clearly defined terms of reference, terms and conditions of employment, entitlements amongst others
	Exploitative wages: wages may not be commensurate with the level of work/services performed	Abuse of power, abuse of personnel  Under-compensation	Project 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” <sup>1</sup>
	Over-stretched working hours: undefined cut-off time, no break periods, denial of time for religious practices etc.	Unfair dismissal procedures	All project workers will abide by the national adopted hours of work, <sup>2</sup> which is eight hour, five days a week , be provided with adequate periods of one hour rest per day and one day per week <sup>3</sup> , annual holiday and sick leave <sup>4</sup> , as required by national law

<sup>1</sup> Statutory deductions for Nigerian employees:

Pension Fund: 8% monthly salary, Pension Reform Act, 2014

National Housing Fund: 2.5% monthly basic salary

National Health Insurance Scheme: 5% monthly basic salary

PAYE tax: 7% on taxable income of ₦300,000 and 24% for above ₦3,200,000, Personal Income Tax (Amendment) Act 2011

Nigeria Social Insurance Trust Fund: 1% of employees’ monthly payroll

<sup>2</sup> official work hour in Nigeria is eight hour, five days a week in line with International Labour Organization and Section 9 of the National Minimum Wage Act

<sup>3</sup> Labour Act section 13

<sup>4</sup> all employees are entitled to wages up to twelve working days in any year during their absence from work caused by temporary illness certified by a registered medical practitioner.

Risk Category	Labour Risks	Impacts	Mitigation
Poor working conditions	<p>Unsafe and unhealthy work environment</p> <p>Poor work safety culture such as lack of provision of PPEs, absence of hazard analysis and HSE training</p> <p>Inadequate work tools</p> <p>Lack of provision of basic facilities – water, food, toilets, washing hand facilities, medical aid</p> <p>Sub-standard worker facilities and workers management</p>	<p>Lead to injuries, incidents, accidents, Loss Time Injury</p> <p>Workers could be overlaboured, grievances, high turnover, poor reputation for the project, worker fatigue &amp; stress, LTIs</p> <p>Increased accidents during project execution</p> <p>Spread of diseases and illnesses amongst workers</p> <p>Sub-optimal work</p> <p>Attack/ Kidnap of workers, especially migrant workers</p>	<p>Implementing Agencies contractors, suppliers and all those involved in the project will conduct a risk and hazard analysis for the work under their control and ensure adequate mitigation measures are in place</p> <p>Implementing Agencies , Contractors to ensure workers have appropriate working conditions, sanitation facilities separate for male and female, basic amenities, appropriate signages in place, provision of adequate PPEs, first aid boxes, appropriate work tools, work permit etc.</p> <p>All project workers will be provided with adequate periods of rest per week, annual holiday and sick leave, as required by national law</p> <p>Where required, liaise with security agencies to protect workers</p>
Occupational Health and Safety	<p>Poor ergonomics in the workplace</p> <p>Exposure to toxic substances while handling e-waste</p> <p>Accidents from movement of equipment and infrastructure and other project works</p>	<p>Posture defects, stress, fatigue, lost time injury to:</p> <p>Serious injury, accident, fatality, legal action against the project</p> <p>Health challenges, poisoning, pollution of the environment</p>	<p>Implementing Agencies , contractors to raise awareness of such risks, communicate expectations regarding appropriate conduct</p> <p>Arrangement of furniture, facilities and equipment should promote good ergonomics. Work tools should be provided to minimise manual labour as much as possible</p> <p>Ensure provision of adequate PPEs, first aid tools and work tools or workers</p> <p>OHS/HSE training for all category of workers periodically including office staff, field staff, contractors (see sample training plan in annex 3). This includes ESF training</p>

Risk Category	Labour Risks	Impacts	Mitigation
	<p>Road safety issues from transportation activities of goods from one location to another</p>		<p>Accident/incidents will be timely reported to the relevant Implementing Agencies and where there are fatalities should be reported to the World Bank within 48hrs or in accordance with the Environmental and Social Commitment Plan (ESCP). Following which correction, investigation and corrective action plan (CAP) should be developed and implemented site-specific waste management plans to be developed including handling and management of hazardous waste by the Implementing Agencies and contractors</p> <p>Only skilled and licensed drivers will be used under DISREP with continual training. Implement proper procedures for transportation of hazardous materials like e-waste</p> <p>Project organisations, contractors and other involved groups to operate an Environmental, Social, Health and Safety System (ESHSS) that is consistent with good international industry practice</p> <p>The ESHSS/ HSE team to conduct risk assessment and develop emergency preparedness and response plans for various work types</p> <p>Monitor compliance through the Health, Safety, Security and Environment (HSSE)/HSE/OHS team, or other departments based on the organization/group</p>
<p>Child Labour</p>	<p>Underage children (below the age of 18) can be used by contractors or primary suppliers or in other project related activities</p> <p>High risk of accidents</p>	<p>Children could be exposed to dangerous situations causing injury, accidents and ill-health.</p> <p>Deprive children of school attendance, which is against the law</p>	<p>The minimum age of eighteen (18) will be enforced at recruitment and continuously during project implementation. IAs will also supervise this through the monitoring activities of their ESHS/OHS/ESHSS team.</p> <p>The IAs will track suppliers performance to inform whether labour management procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk</p>



Risk Category	Labour Risks	Impacts	Mitigation
		Child abuse could ensue	Hired project workers above 18 shall conduct his/her activities in ways that are not detrimental with respect to education or be harmful to the child's health or physical, mental, spiritual, moral or social development
Forced Labour	<p>People could be coerced and threatened to work</p> <p>Involuntary or compulsory Labour, such as indentured Labour, bonded Labour, or similar Labour-contracting arrangements.</p>	<p>Reprisals</p> <p>Exposure to injury and harm</p> <p>Abuse of human rights and poor working conditions</p> <p>Legal action against the project</p> <p>Attention of NGOs and bad reputation for the DISREP</p>	<p>IAs, Contractors, Suppliers will ensure that no forced Labour exists in the project by gathering documents and appropriate proof</p> <p>A consent section will be part of the employee signed employment contract. Contractors and primary suppliers will ensure that if Labour is sourced from any sub-contracting agency, the workers are not subject to coercion and forced labour conditions</p>
Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV)	Workplace sexual harassment /sexual exploitation and abuse/gender based violence	<p>Abuse of human rights</p> <p>Injury and associated physical and mental health conditions</p> <p>Unwanted pregnancy</p> <p>Legal action against the project, attention of NGOs and bad reputation for the DISREP</p>	<p>All category of workers in DISREP to be made aware of zero tolerance to such issues</p> <p>Contractors to sign code of conduct forms (sample provided in annex 2)</p> <p>IAs, contractors to establish and inform workers of a reporting mechanism for such incidents including referral services</p> <p>Implement any World Bank approved GBV action plan prepared for the project</p>
Grievance Mechanism (GRM)	Lack of grievance redress channel for workers	<p>Workers may be aggrieved due to unfair treatment, poor working conditions, conflicts, poor pay, overstretched working hours amongst other things</p> <p>Reprisals, refusal to work</p>	A GRM has been included in section 7 of this LMP to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner

Risk Category	Labour Risks	Impacts	Mitigation
			The effectiveness of the system will be reviewed periodically or when there is any significant change in the project by the IAs, contractors etc.
Right of Association and Collective Bargaining	<p>Workers may not have the right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker</p> <p>Workers may not be allowed the right to organize and collective bargaining, and representation</p>	<p>Underpayment</p> <p>Poor working conditions leading to injury, accident, ill-health</p> <p>Abuse of power by employers</p> <p>Reprisals, legal action</p>	<p>IAs, contractors to ensure that all workers are informed of their right of association and collective bargaining according to ESS2</p> <p>Workers will also be informed of the workers GRM and their right to utilize the system</p>
Contractors Management	<p>Contractors on the project may not be adequately managed or monitored</p> <p>Non-compliance to provisions of this LMP and other national Labour requirements, especially by international migrant workers</p>	<p>Accidents/incidents, loss time injury</p> <p>Unruly behaviour of contractors</p> <p>Unfair treatment of workers, conflicts</p> <p>Legal actions against the project, bad reputation for DISREP</p>	<p>Labour Management Plans will be prepared by the respective contractors as part of Contractor’s ESMPs based on the provisions of this LMP and the details of labour to be used in those contracts. These plans will be reviewed and cleared by the PMU, as appropriate.</p> <p>Contractors to maintain records of:</p> <ul style="list-style-type: none"> <li>✓ workers engaged under the Project, including contracts must be kept</li> <li>✓ training attended by workers including CoC, HSE, STIs/STDs, GBV etc.</li> <li>✓ accidents/ incidents and corresponding root cause analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (Corrective Action Register)</li> <li>✓ strike actions, reasons and resolution reached</li> <li>✓ sanctions, punishments and terminations with reasons and follow-up actions taken</li> </ul> <p>These records will be periodically reviewed by the ESSHS team of the respective IAs as required</p>

Risk Category	Labour Risks	Impacts	Mitigation
Primary Suppliers	<p>Primary suppliers could also be exposed to occupational risks</p> <p>Workers mismanagement</p>	<p>Incident/accidents while performing project related functions</p> <p>Workers could be treated unfairly</p>	<p>Primary suppliers should maintain records related to occupational injuries, illness and lost time accident, corrective action, conditions of work etc.</p> <p>The ESSHS team of IAs to review this periodically (monthly where applicable)</p>
Discipline and Termination of Employment	<p>Disciplinary process may not be fairly or equitably employed across board</p> <p>Conditions for termination may be clearly outlined in the terms of employment</p>	<p>Grievances, reprisals etc.</p> <p>Unfair dismissal from work</p> <p>Abuse of power and human rights</p> <p>Legal action against the project</p>	<p>Disciplinary process will be laid out before commencement of work and explained to every worker under the DISREP</p> <p>Termination of appointment should abide by the following principles:</p> <ul style="list-style-type: none"> <li>✓ Valid or reasonable;</li> <li>✓ Clear and unambiguous;</li> <li>✓ The employee is aware, or could reasonably be aware of the rule or standard; and</li> <li>✓ The procedure to be applied in the event the employee contravenes any of these rules</li> </ul> <p>The ESSHS team of the IAs should periodically review workers disciplinary and termination processes to ensure that they are executed fairly and without prejudice. Where unfair treatment is established, correction and corrective action should be implemented and monitored</p>

### 4.3 Labour Influx

This project may face an influx of non-local labour and working conditions issues as skilled workers might not be available in some contractors team. Therefore, the IAs and contractors will take concrete measures to mitigate potential labour influx-related risks such as workers' sexual relations with minors and resulting pregnancies, presence of sex workers, the spread of HIV/AIDS, sexual harassment, child labour and abuse, increased dropout rates from school, poor labour practice, and lack of road safety. These risks require careful consideration to improve social and environmental sustainability, resilience and social cohesion. Mitigation measures which must be monitored by the PMUs including establishing and enforcing a mandatory Code of Conduct for the contractors' managers and workers.

### 4.4 Gender-Based Violence

Nigeria ranks 118 out of 134 countries on the Gender Equality Index.<sup>5</sup> Women's disadvantaged position and lack of decision-making power in the social, economic and political spheres are reflected in policies, laws and resource allocation that thwart progress towards gender equality in the country. More than 70 percent of women live below the poverty line, and maternal mortality ratio is among the highest in the world at 576 per 100,000.<sup>6</sup> More than half of people living with HIV (3.2 million) are women (55 percent).<sup>7</sup> Girl enrolment in school lags behind boys, and represents one third to one quarter of classroom participants depending on the state; and two-thirds of the 10.5 million out-of-school children are girls.<sup>8</sup>

The wide diversity and distinct socio-economic, cultural and political contexts across Nigerian geopolitical regions and states result 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 age 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.<sup>9</sup> Child marriage, acceptance of wife beating, restricted movement of women and girls are more pronounced in the North, and the prevalence of sexual violence, conflict related GBV and SEA is higher than in the South. In the South female genital mutilation, intimate partner violence, physical violence by any perpetrator, trafficking and harmful widowhood practices are more prevalent.

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<sup>5</sup> British Council Nigeria. [Gender in Nigeria report 2012](#); UNDP Human Development Report 2016. See: <http://hdr.undp.org/en/content/gender-inequality-index-gii>.

<sup>6</sup> The 2013 Nigeria Demographic and Health Survey (NDHS). See: <https://dhsprogram.com/pubs/pdf/PR41/PR41.pdf>.

<sup>7</sup> UNAIDS 2017 Data. See: [http://www.unaids.org/sites/default/files/media\\_asset/20170720\\_Data\\_book\\_2017\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/20170720_Data_book_2017_en.pdf).

<sup>8</sup> NDHS 2013.

<sup>9</sup> NDHS 2013; British Council Nigeria, 2012.

## **Manifestations of GBV**

To understand if an act of violence is an act/manifestation of GBV, 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;
- Early/forced marriage, which is the marriage of an individual against her or his will often occurring before the age of 18, also referred to as child marriage;
- 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);
- Trafficking and abduction for exploitation.

The project is expected to comply with the provisions regarding SEA/SH/GBV in the DISREP ESMF, and any World Bank approved GBV action plans that will be developed for DISREP.

## **4.5 Potential Exposure to Toxicity of E-Waste**

The use, maintenance and disuse of electronics could expose workers, storage personnel and waste managers to certain of chemicals and heavy metals such as lead, mercury, cadmium, brominated flame-retardants etc. The PMUs will be expected to liaise with appropriate professionals and authorities of handling and disposal of such items. In addition, e-waste management plan will be developed as part of the site specific ESMPs. Additional measures have been outlined in the ESMF.

## 5.0 POLICIES AND PROCEDURES FOR LABOUR MANAGEMENT

### 5.1 Policies

Management of labour under DISREP will be governed by the provisions of the World Bank ESS2: Labour and Working Conditions, International Labour Organisation (ILO), ISO 45001 standards, Labour Act and other regulations as outlined in section 3 of this plan.

The guiding policies for DISREP include:

- i. There shall be non-discrimination and equal opportunity provided for all workers.
- ii. The terms and conditions of employment shall be outlined in clear and understandable terms, ensure fairness of employment terms and conditions against the applicable and prevailing National stipulations for all workers.
- iii. All Government workers deployed to work on the project shall be given official letters of deployment by their parent ministries.
- iv. Employers shall provide safe and healthy working conditions for workers, void of worker exploitation, and shall ensure provision of standard facilities.
- v. Employees shall conduct job hazard and risk assessment and implement actions to address such risks.
- vi. Employers shall provide adequate work tools and personnel protective equipment to all workers.
- vii. Timely and adequate training on OHS/HSE shall be provided to all workers.
- viii. There shall be no use of child labour or forced labour.
- ix. Workplaces shall be free of Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV).
- x. Grievance redress mechanism for workers shall be instituted at all levels of engagement in consultation with the affected worker category.
- xi. Workers shall have their right of association and collective bargaining.
- xii. There shall be proper documentation of contractors/suppliers management in line with OHS requirements.
- xiii. Termination of appointment shall be valid or reasonable, clear and unambiguous, without prejudice and employee must be aware of the reason.
- xiv. There shall be continuous consultation with workers on the effectiveness and improvement of the labour management procedures.

## **5.2 Procedures**

### **i. Non-discrimination and equal opportunity**

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 will be followed by the Implementing Agencies and contractors and monitored by the respective ESSHS/HSE teams:

- 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 the terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract;
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties;
- 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.
- Government workers deployed to work in PMU will be given official deployment letters from their parent ministries which will state the designation at the PMU, reporting obligations, commencement date and end date (where possible), entitlements amongst others.

### **ii. Age of Employment**

- DISREP will only engage individuals at minimum age of eighteen (18) and this will be enforced at recruitment and monitored by the IAs, suppliers and contractors.
- Contractors will verify the identity 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.
- Hired project workers above 18 will conduct their activities in ways that are not detrimental with respect to education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

### **iii. Terms and Conditions of Employment**

- All workers will be provided with clearly defined terms and conditions of employment
- Terms and conditions of direct workers will be determined by their individual contracts and public service rules (for government staff) and are guided by terms and conditions stipulated in the Public service rules (2008 edition).

- Consultants will apply the terms and conditions stipulated in their contract of engagement.
- The conditions of employment will set out workers' rights under national labour and employment law (which will include any applicable collective agreements), including job title, supervisor, their rights related to hours of work, wages, overtime, compensation and benefits, contract duration, disciplinary procedures, rules & regulations, procedure for termination of appointment, as well as those arising from the requirements of this LMP. 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
- Oral communication and explanation of working conditions and terms of employment will be provided where project workers do not read or have difficulties understanding the documentation.
- Project workers will be paid on a regular basis as required by national law and in the conditions of employment. Deductions from payment of wages will only be made as allowed by national law or the labour management procedures, and project workers will be informed of the conditions under which such deductions will be made

#### **iv. Working conditions**

- Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest.
- Where workers camps are provided to project workers, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social and cultural needs in line with the DISREP ESMF.
- Employees and contractors will ensure accessibility of facilities, resources and information communication for project workers with disabilities including the provision of wheelchair ramps or elevators, or alternative formats of communication, such as large print, Braille, accessible digital formats or audio tape.
- Provide protection and assistance for pregnant women against prejudice, physical harm, unfair dismissal and allow for adequate maternity leave in line with applicable laws.
- Ensure workplace ergonomics including:
  - ✓ adequate lighting to avoid eyestrain including protective screens on computers
  - ✓ position computer workstation at a parallel position to the eyes
  - ✓ use of supportive chairs for good lumbar support
  - ✓ good housekeeping practices
  - ✓ proper layout of electrical wires and appliances
  - ✓ fire extinguishers

#### **v. Occupational Health and Safety**

Employees and contractors will implement the following procedures:

- Conduct hazard and risk assessment for all job types/activities.



- Provide preventive and protective measures for such risks, including modification, substitution, or elimination of hazardous conditions or substances.
- Provide adequate work tools, first aid boxes, appropriate personnel protective equipment (PPEs) and implement job controls such as work permits and standard operating procedures (SOPs).
- Provide HSE/OHS training for workers and maintain records of such training.
- Ensure the inclusion of Occupational health issues in contract documents to make them obligatory/mandatory.
- Document and report occupational accidents, diseases and incidents to the relevant authority in line with the project structure, implement correction, investigate the root cause, develop and implement corrective action plan (CAP). Fatalities should be reported to BPE/TCN/NERC, and to the World Bank within 48 hours or as soon as root cause investigation has been carried out and draft CAP prepared.
- Prepare emergency prevention and preparedness and response plan, assign responsibilities, train responsible parties, test and improve on such plans.
- Establish Environmental, Social, Health and Safety System (ESHSS) and ensure training for associated workers in line with the required national labour requirements, World Bank ESS2 requirements and procedures set out in this LMP.
- It is recommended to include women representative on OHS team to help design policies and practices responding to the needs of female project workers.
- Provide mechanism for consultation and participation of workers in OHS matters and implementation of OHS measures.
- Provide workers in high noise areas with earplugs or earmuffs.
- Project workers have the right to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health

**vi. Forced Labour**

- Employees and contractors will not make use of any work or service which is exacted from an individual under threat of force, penalty, coercion, abduction, fraud, deception. DISREP will not entertain any kind of involuntary or compulsory labour, such as indentured labour, bonded labour, or similar labour-contracting arrangements. No trafficked persons will be employed in connection with the project.
- Workers will be allowed free and informed consent of the type of job they are ben engaged to perform.
- Where forced labour is discovered in the project’s workforce, prompt action will be taken to address the practice that has coerced the worker, and reported to the BPE, TCN, NERC as appropriate to be addressed in accordance with national law.

**vii. Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), Gender-Based Violence (GBV)**

- All category of workers in DISREP will be made aware of zero tolerance in matters relating to SEA/SH/GBV.
- All contractors will sign code of conduct forms as provided in annex 2.

- IAs, contractors will establish and inform workers of a reporting mechanism for such incidents including referral services.
- Implement any World Bank approved GBV action plan prepared for the project, including management of suppliers.

**viii. Grievance Mechanism (GRM)**

A grievance mechanism will be provided for all category of workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use.

Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The GRM will be in line with the procedures set out in section 7 of this LMP.

**ix. Right of Association and Collective Bargaining**

- Workers will be allowed rights to form and to join workers' organizations of their choosing and to bargain collectively without interference.
- Employees will also provide the information needed for meaningful negotiation in a timely manner.
- Employees will not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining.

**x. Contractors Management**

- The Implementing Agencies (IAs) will ensure that contracted workers (contractors, subcontractors, brokers, agents or intermediaries) are legitimate and reliable entities.
- Have documentation of their business licenses, registrations, permits and approvals.
- Should have safety and health personnel, review their qualifications and certifications.
- Records of safety and health violations, and responses, accident and fatality records and notifications to authorities.
- Records of legally required worker benefits and proof of workers' enrolment in relevant programs, worker payroll records, including hours worked and pay received.
- Contractors to prepare Labour Management Plans as part of their ESMPs based on the provisions of this LMP and the details of labour to be used in those contracts. These plans will be reviewed and cleared by the PMU, as appropriate.
- Contracted workers will have access to a grievance mechanism as provided in section 7 of this LMP.

**xi. Primary Suppliers**

- The IAs will review industry labour issues relating to the supply of goods and materials that will be required under DISREP and the risks, and implement actions to mitigate such risks.
- The IAs will also track suppliers' performance to help inform whether procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk.

- Specific requirements on child labour, forced labour and work safety issues will be included in all purchasing orders and contracts with suppliers.
- Where there is a significant risk of child labour, forced labour, serious safety issues related to primary supply workers, the PMU will require the relevant primary supplier to introduce procedures and mitigation measures to address such issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.

**xii. Discipline and Termination of Employment**

Project workers will receive written notice of termination of employment and details of severance payments in a timely manner: one month for skilled labour, one week for unskilled labour. However, in cases of gross misconduct, termination can be immediate but must be accompanied with proper incident report, fair, without prejudice and ensure adequate documentation.

## 6.0 ROLES AND RESPONSIBILITIES FOR MANAGING THE LMP

### 6.1 Introduction

The Implementing Agencies (IAs) have the overall responsibility to oversee all aspects of the implementation of this LMP including contractor's compliance. The IAs will address all LMP aspects as part of procurement for works/services as well as during contractor induction/training. This role will primarily be part of the responsibilities of the Environmental, Health and Safety teams/departments of the various IAs, however, they will be required to liaise their management on the fulfilment of such duties.

Contractors will be responsible for the implementation of the plan on a daily basis and providing the required human, financial and training resources for effective compliance.

Specific roles are outlined below in table 4 below

### 6.2 Roles and Responsibilities Matrix

**Table 3: Roles and Responsibility Matrix**

Institution	Roles	Responsibilities
Nigerian Electricity and Regulatory Commission (NERC)	Health, Safety and Environment Unit	<ul style="list-style-type: none"> <li>✓ Regulation of OHS/HSE guidelines for the sector</li> <li>✓ Provide workers with safety materials as well as training on safety procedures</li> <li>✓ Implement mitigation measures and procedures outlined in this LMP</li> <li>✓ Safety compliance checks and monitoring</li> <li>✓ Ensure the organisation provides good working conditions</li> <li>✓ Keep OHS records</li> </ul>
Bureau of Public Procurement (BPE)	BPE DISREP PMU Health & Social and Safety Officers	<ul style="list-style-type: none"> <li>✓ Implement mitigation measures and procedures outlined in this LMP</li> <li>✓ Provide workers with safety materials as well as training on safety procedures</li> <li>✓ Ensure the organisation provides good working conditions</li> <li>✓ Keep OHS records</li> </ul>
Transmission Company of Nigeria (TCN)	Health, Social and Safety Officers of the PMU in collaboration with the Health Safety and Environment Department (HSE)	<ul style="list-style-type: none"> <li>✓ Provide workers with safety materials as well as training on safety procedures</li> <li>✓ Provide health and safety awareness for workers and stakeholders</li> <li>✓ Implementation of mitigation measures and procedures outlined in this LMP</li> <li>✓ Review of OHS/HSE documentation of contractors/suppliers</li> <li>✓ Safety compliance checks and monitoring of contractors/suppliers</li> <li>✓ Obligatory reporting on OHS compliance and fatalities to the World Bank</li> <li>✓ Keep OHS records</li> </ul>
Contractors	ESHS/HSE Officers	<ul style="list-style-type: none"> <li>✓ Provide workers with safety materials as well as training on safety procedures</li> </ul>

		<ul style="list-style-type: none"> <li>✓ Implement mitigation measures and procedures outlined in this LMP</li> <li>✓ Keep OHS records</li> </ul>
Trade Unions: Workers associations	As defined in the MOU or agreement	<ul style="list-style-type: none"> <li>✓ Manage workers welfare</li> <li>✓ Promote workers health and safety</li> <li>✓ Provide a fair system of grievance redressal</li> </ul>
Federal Ministry of Labour and Employment	Relevant Departments	<ul style="list-style-type: none"> <li>✓ Overall responsibility for enforcing labour laws</li> </ul>

### 6.3 Capacity Assessment for Implementing the LMP

This section outlines the capacity assessment and strengthening actions to ensure effective implementation of this LMP.

**Table 4: Capacity Assessment for Implementing the LMP**

Aspect	Capacity Assessment	Strengthening Actions
Policies	There are robust policies governing workers management, safety and wellbeing, however, provisions for freedom of association, grievance redress mechanism, gender-based violence, forced labour etc. especially for casual workers is not adequate	<p>The LMP has provided a set of straightforward mitigation measures to be adopted for DISREP in addition to applicable laws.</p> <p>The provisions of this LMP should be disseminated for adoption to all institutions/workers groups under DISREP.</p> <p>This should also be included in procurement contracts/ other contracts</p>
Procedures	<p>Various OHS/HSE procedures exist in the various organisations under this project, however, not all conform to the minimum requirements of World Bank ESS2 including procedures for grievance redress mechanism, gender-based violence, workers consultation &amp; participation, etc.</p> <p>Most contractors do not have defined procedures for managing labour and working conditions</p>	<p>Procedures have been outlined in this LMP which will guide the implementation of mitigation measures for risks associated with labour and working conditions under DISREP.</p> <p>Adequate sensitization on these procedures should be carried out at every level of implementation of the project, and especially prior to the implementation of project/works</p>

Aspect	Capacity Assessment	Strengthening Actions
Roles	<p>All the organisations have some form of HSE team/department, however, some of them do not encompass social issues. There may also be limited capacity to implement provisions of ESS2 and thus this LMP.</p> <p>Some contractors do not engage HSES officers, and/or not on a full-time basis</p>	<p>Enhance the capacity of the HSE teams in terms of staffing and staff qualifications, and also coverage of social issues such as SEA/SH/GBV, vulnerable persons etc.</p> <p>Contracts should entail the employment of HSES officers</p>
Responsibilities	<p>The staff of the various institutions have a good understanding of their responsibilities in implementing and monitoring matters relating to labour and working conditions.</p> <p>There is some level of limited capacity in handling emerging themes like SEA/SH/GBV, grievance redress mechanism.</p>	<p>Implement capacity building programs to strengthen ESHSS responsibilities, especially with respect to ESS2 and the provisions of this LMP.</p> <p>An effective system of monitoring and reporting on matters relating to labour and working conditions will also need to be emphasized.</p>

## **7.0 GRIEVANCE REDRESS MECHANISM FOR WORKERS**

### **7.1 Introduction**

This procedure requires every employer, including contractors, to have a formal grievance procedure which should be known and explained to the employee. The PMU staff and consultants will be informed of the applicable grievance procedure to adopt in their contracts or terms of employment. All the contractors who will be engaged for the project will be required to produce their grievance procedure in line with the GRM provided in this LMP as a requirement for tender.

All grievance mechanisms should which at a minimum comply with these requirements:

- Who the employee should report to;
- Time frame for addressing grievances at each level should be specified;
- Opportunity to report to a higher-level authority if grievance is not resolved at within the stipulated time;
- Right to seek judicial redress

The grievance process should be guided by the following principles:

- Transparency
- Confidentiality
- Accessibility
- Non-retribution
- Non-vindictive
- Right to representation
- Proper documentation

The GRM for workers is not the same as the project-wide GRM defined in the DISREP ESMF. The former sets out specific procedures for workers management (labour and working conditions), while the latter sets out procedures for reporting issues related to the implementation of the project.

### **7.2 Establish a GRM**

A Grievance Redress Mechanism (GRM) will be implemented to ensure that all complaints from workers are dealt with appropriately, with corrective actions implemented, and the complainant informed of the outcome.

DISREP recognises that various categories of workers may be deployed to work on the project and as such a uniform grievance process will be beneficial. This is described in line with the required grievance redress committees (GRC) in table 6 below. This procedure will guide the preparation of site specific GRM to be prepared as part of the Environmental and Social Management Plans (ESMPs).

**Table 6: Grievance Redress Procedures for PMU Workers**

First Level GRM	The GRC will be formed at the project level and be easily accessible to project workers. Comprise of Social safeguard officer, project coordinator, environmental safeguards officer and any other officer as adjudged necessary. The complainant shall make official complaint to the GRC through the social safeguard officer. Complaints shall be duly received, registered and reviewed by the committee. If the complainant does not accept the solution offered by the first level GRC, then the complaint is referred to the 2 <sup>nd</sup> level GRC.
Second Level of GRM: GRC at the institutional level	The GRC will be at the institutional level. This committee shall comprise of members from the parent institutions/ ministry in line with the grievance channel established by the organisation. Complaints shall be duly received, registered and reviewed by the committee. If the complainant does not accept the solution offered by the first level GRC, then the complaint is referred to the 3 <sup>rd</sup> level GRC.
Third Level of GRM: GRC at the level of regulators	Where workers grievances remain unresolved, complainants can channel this to the regulators including NERC/NEMSA.
Court Redress of Grievances	While the purpose of GRM put in place for workers is to resolve all issues of labour and working conditions under DISREP out of court and to save time which is usually involved in litigation matters, it is not out of place to anticipate a scenario where aggrieved person is not satisfied with the process and judgment given by the grievance redress committee(s). Therefore, the project shall inform aggrieved persons of their right to seek for redress in the court of law as the final resort.

*Please note that this is a generic procedure, and the PMU may need to adapt their GRM to ensure that while they adopt the requirements of the World Bank ESS2, they do not contravene with national laws.*

### **7.3 Roles of the GRCs**

The Grievance Redress Committees will be responsible for:

- Communicating with the affected worker and evaluate if they are entitled to recompense;
- Making the established grievance redress procedure public
- Escalating unresolved matters to the next level GRC
- Maintain proper documentation of complaints, proceedings and resolutions

### **7.4 Expectation When Grievances Arise**

When workers present a grievance, any of the followings is or are expected from the project management/channel of grievance resolution:

- acknowledgement of their problem;
- an honest response to questions/issues brought forward;
- an apology, adequate compensation; and



- Modification of the conduct that caused the grievance and some other fair remedies.

## 7.5 Typical Grievance Redress Process

The process of grievance redress will start with registration of the grievance(s) to be addressed, for reference purposes and to enable progress updates of the cases. Thus, the aggrieved worker will file a complaint/ complete a grievance form with the Grievance Redress Committee.

The complaint should contain a record of the person responsible for an individual complaint, and records dates for the date the complaint was reported; date the Grievance Log was uploaded onto the project database; date information on proposed corrective action sent to complainant (if appropriate), the date the complaint was closed out and the date response was sent to complainant.

The officer receiving the complaint (part of the GRC member) will ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. The response time will depend on the issue to be addressed but it should be addressed with efficiency. The Grievance Committee will act on it within 10 working days of receipt of grievances. If no amicable solution is reached, or the affected person does not receive a response within 15 working days, the affected person can appeal to the SPIU, which should act on the grievance within 15 working days of its filing. These timelines are further illustrated in table 8 below:

**Table 5: Typical Steps in a Grievance Redress Process**

Steps	Process	Description	Completion Time frame	Responsible Agency/Person
1	Receipt of complaint	Document date of receipt, name of complainant, village, nature of complaint, inform the SPIU	1 day	Grievance redress officer
2	Acknowledgement of grievance	By letter, email, phone	1-2 days	Grievance redress officer
3	Screen and establish the merit of the grievance	Visit the site; listen to the complainant/community; assess the merit	5-10 days	GRC & the aggrieved worker or his/her representative
4	Implement and monitor a redress action	Where complaint is justified, carry out agreed actions	14 days or at a time specified in writing to the aggrieved worker	Contractor
5	Extra intervention for a dissatisfied complainant	Review the redress steps and conclusions, provide intervention solution	10 days of receiving status report	2 <sup>nd</sup> /3 <sup>rd</sup> /4 <sup>th</sup> level GRCs
6	Judicial adjudication	Take complaint to court of law	No fixed time	Complainant
7	Funding of grievance process	GRC logistics and training, redress compensation, court process	No fixed time	The proponent

\*All complaints including anonymous ones must be attended to and resolved

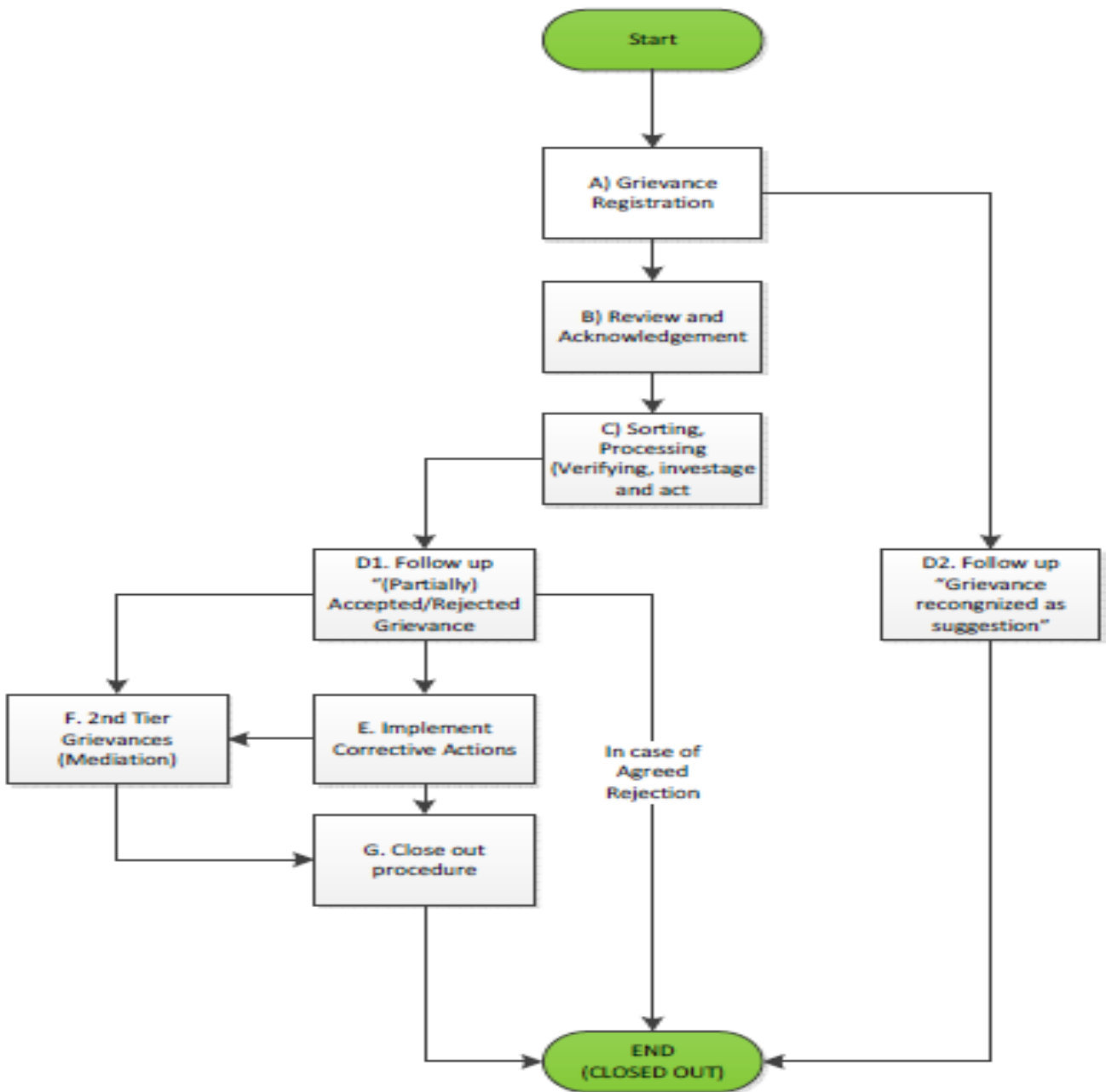


Figure 2: Flowchart for Grievance Redress Mechanism

## **7.6 How to Register a complaint**

There shall be a variety of channels to submit complaints:

- a) The complaints are submitted to the GRC member to whom they have easy access.
- b) The complainants can put their grievances into the complaints boxes which will be checked every two days by the grievance redress officer.
- c) The GRC will acknowledge the receipt of complaints.
- d) Received complaints should be registered in a grievance logbook.
- e) GRC will inform complainant about the timeframe in which a response can be expected.
- f) GRC will Investigate the grievance, consult with the aggrieved worker and resolve the issue.

## **7.7 Role of Trade Unions in GRM**

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedures followed in such instances is usually contained in the Recognition Agreement, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal issues that are not resolved through consensus.

If the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in this LMP.

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## ANNEX 1: SAMPLE OF A RISK ASSESSMENT TOOL

<i>What are the hazards?</i>	<i>Who may be harmed and how?</i>	<i>What are you already doing?</i>	<i>What further action is necessary?</i>	<i>How will you put The assessment into action?</i>																													
<p>Spot hazards by:</p> <ul style="list-style-type: none"> <li>■ Walking around the workplace;</li> <li>■ Asking workers what they think;</li> <li>■ Checking safety instructions;</li> <li>■ Contacting your supervisors</li> </ul> <p><i>Don't forget long-term hazards</i></p>	<p>Identify groups of people. Remember:</p> <ul style="list-style-type: none"> <li>■ Some workers have needs;</li> <li>■ People who may not be in the workplace all the time;</li> <li>■ If you share your workplace think about how your work affects others;</li> </ul>	<p>List what is already in place to reduce the likelihood of harm or make any harm less serious</p>	<p>You need to make sure that you have reduced risks "so far as is reasonably practicable". An easy way of doing this is to compare what you are already doing with best practice. If there is a difference, list what needs to be done</p>	<p>Remember to prioritize. Deal with those hazards that are high-risk and have serious consequences first.</p> <table border="1" data-bbox="1144 630 1427 961"> <thead> <tr> <th data-bbox="1144 630 1239 961">Action by whom</th> <th data-bbox="1239 630 1333 961">Action by when</th> <th data-bbox="1333 630 1427 961">Done</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>			Action by whom	Action by when	Done																								
Action by whom	Action by when	Done																															
<p>Review your assessment to make sure you are still improving, or at least not sliding back</p> <p>If there is a significant change in your worksite, remember to check your risk assessment and where necessary, amend it</p>			<p>Review Date:</p>																														
<p>Assessment completed by:</p>			<p>Signature:</p>																														

## **ANNEX 2: SAMPLE OF A CONTRACTORS CODE OF CONDUCT**

### **1.0. AIM OF THE 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 contractors. The social risks that may arise include but not limited to Gender-Based Violence (GBV), Violence Against Children (VAC), HIV and AIDS infection/spread, and occupational health and safety.

### **2.0 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 kilometres' 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.

### 3.0 CODES OF CONDUCT

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

1. **Contractors Code of Conduct:** Commits the contractor 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

#### 3.1 Contractors Code of Conduct

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:

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.

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.

Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

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.

Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.



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.

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.

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.

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.

The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.

1. 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

The Company shall ensure provision of financial resources and trainings to prevent spread of HIV and AIDS.

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;

All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.

The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities

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 THE CONTRACTOR

Signed by: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### 3.2 Code of Conduct for Construction Site Supervisor/Managers Code of Conduct

Site Supervisors 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. Construction site supervisor must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment. Construction Site Supervisor 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: \_\_\_\_\_

### 3.3 Workers Code of Conduct

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 working 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: \_\_\_\_\_

### ANNEX 3 SAMPLE HEALTH TRAINING AND ENVIRONMENT PLAN

S/N	Training Title	Description	Timing	Who to Deliver the Training
1	Sensitization on the HSE Manual	To train all workers on all the provisions in the HSE Manual and the company's HSE Policy (use local language as necessary) including the right use of PPEs	Upon mobilization of every worker to site	HSE Expert
			Refresher on a monthly basis	Contractor HSE Officer
2	First Aid administration/ Use of First Aid Box	To train selected officers (Contractor HSE Officer, Site Manager, Yard Manager, Team leaders, Female workers representative) on the right first aid administration for different scenarios including demonstrations	Upon mobilization to site and after every 6 months	Public Health Expert/ First Aid Care Giver
3	Protocol for construction site, staging areas, borrow pits and campsite	To ensure all workers understand the protocol to adopt at the construction site, staging areas, borrow pits and campsite	Upon mobilization to site  Refresher every 3 months	Site Manager
4	General Training on site work	Right procedures for: manual handling, electrical safety, emergency procedures, work at height, confined spaces, underground construction, cofferdams etc.	Upon mobilization to site  Refresher every 2 months	Site Manager/ Project Manager/ Engineer/ HSE Officer
5	Daily HSE Pep Talks	To provide daily reminder on safety precautions and acceptable environmental and social protection including do's and don'ts for all workers	Daily	Contractor HSE Officer
6	Community Health and Safety Training	To train all workers and project management on: <ul style="list-style-type: none"> <li>• Sexual Exploitation and Abuse/ Gender-Based Violence Training</li> <li>• Code of Conduct Training</li> <li>• Sensitization on STDs/STIs</li> <li>• Grievance Redress Mechanism</li> </ul>	Upon mobilization of every worker to site  Refresher every 3 months	Social Safeguard Expert

7	Drivers Training	To train all project drivers on safety and acceptable conduct	Upon employment Daily Monitoring Monthly Refresher	FRSC Expert in conjunction with project manager
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## ANNEX 4 WORKERS CAMPSITE MANAGEMENT FRAMEWORK

Elements for managing risks associated with the Workers Campsite under the proposed project include:

- **Location:** The Contractor shall ensure to site workers camp at a designated location approved by the SPIU. The location was determined during the preliminary design preparation in conjunction with the local communities/authorities with the following criteria:
  - ✓ Be located outside the protection zone of watercourses (100 m) and wetlands;
  - ✓ Be located within an acceptable distance from existing residential areas;
  - ✓ Not located in areas with intact vegetation
  - ✓ The contractor must first obtain the necessary licenses and consents from the local authorities or from the owner of the needed area; Although it is the contractor's decision, it is recommended that whenever possible the camps should be handed over to the administrative or community authorities for future use;
  - ✓ The contractor must submit for the prior approval of the Resident Engineer, the implantation design and other project structures and specifications related to the camps and sites that are intended to be built;
  - ✓ The contractor shall take all necessary measures and precautions to ensure that the execution of the works is carried out in accordance with environmental, legal and regulatory requirements, including those set out in this document; The contractor shall take all measures and precautions to avoid any disturbance in the local communities and among the users of the road, as a result of the project execution;
  - ✓ The contractor shall, whenever possible, apply measures to reduce or eliminate any sources of disturbances. The contractor shall follow the provisions of this document, as well as the applicable legislation and standards, during the use, operation and maintenance of the camps and sites, in particular with regard to water supply and sanitation, solid waste management, handling and storage of dangerous substances, etc.;
  - ✓ The areas occupied by the camps and sites must be recovered at the end of the project, when the contractor is demobilized, through the replacement of previously existing conditions, unless other uses are intended
- **Accommodation, Hygiene and Sanitation:** The Contractor will ensure that all necessary sanitary facilities shall be provided for workers expected on site: separate rooms will be provided for male and female workers, all necessary sanitary facilities complying with World Health Organization (WHO) regulations will be provided for workers including:
  - ✓ Separate toilets for male and female
  - ✓ Portable water with well-placed overhead tanks
  - ✓ Wash basins
  - ✓ Concrete and covered septic tanks
- **On-site Social and Health Care Facilities:** Provision of basic on-site social and medical facilities such as first aid, basic health care centre, recreational centre, food service, etc. in order to reduce pressure on community facility.
- **Campsite Safety and Security:** Provision of 24 hours security stationed at the Campsite to ensure the security and safety of construction workforce and construction equipment.

- **Campsite Waste Management:** Adequate waste management of sewage and other forms of waste within the campsite. The Campsite shall be equipped with independent toilet facilities for male and female workers respectively, in order to discourage irregular waste disposal. Furthermore, standards must be instituted for personal and public hygiene among project workers. Additionally, project workers shall be properly trained on personal hygiene.
- **Establishment of and Training on Workers on Code of Conduct:** The Supervising Engineer and Safeguards Unit shall ensure that Contractors establish a workers' Code of Conduct (CoC). The CoC will help mitigate some of the social and environmental impacts of labour influx such as risk of social conflict, Increased risk of illicit behaviour and crime, Increased burden on and competition for public service provision, Wastewater discharges, Increased demand on freshwater resources, and Inadequate waste disposal and illegal waste disposal sites etc., will help keep workers (local/foreign) in check on the rules and regulations binding their engagement. Contractors to ensure provision of training to workforce on code of conduct and ensure strict compliance. Measures provided for in the ESMP to deter illicit behaviour and other social vices are adequately enforced.
- **Training programs:** Conduct and ensure key staff, including contractors, receive training regarding the likelihood, significance and management of influx-related issues such as HIV/AIDS, GBV, SEA, VAC etc.
- **Carry out Regular Monitoring:** The SPIU shall monitor for change throughout the project cycle to ensure compliance and on mitigation effectiveness from projects/contractors. Ensure a documented monitoring program that tracks key social outcomes, changes and issues at regular intervals throughout the project lifecycle