

REPUBLIC OF THE GAMBIA



THE WESTERN AFRICA REGIONAL DIGITAL INTEGRATION PROGRAM (P176932)

Labor Management Procedures (LMP)

Draft Report

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Abbreviations/Acronyms

ACE	Africa Coast to Europe
AIDS	Acquired Immune Deficiency Syndrome
CBG	Central Bank Gambia
CBO	Community Based Organization
COVID-19	Coronavirus Disease 2019
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS	Environmental and Social Standard
FGD	Focus Group Discussion
GBA	Greater Banjul Area
GBV	Gender Based Violence
GCCI	Gambia Chamber of Commerce and Industry
GIEPA	Gambia Investment and Export Promotion Agency
GM	Grievance Mechanism
GoTG	The Government of The Gambia
GRC	Grievance Resolution Committee
GTB	Gambia Tourism Board
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HR	Human Resources
ISP	Independent Service Providers
KII	Key Informant Interview
LGA	Local Government Authorities
LMP	Labor Management Procedures
MoCDE	Ministry of Communications and Digital Economy
NRA	National Roads Authority
OHS	Occupational Health and Safety
PURA	Public Utilities Regulatory Authority
PDO	Project Development Objective
POM	Project Operation Manual
PPE	Personal Protective Equipment
SSCT	Sexual Exploitation and Abuse/Sexual Harassment Compliance Team
SE/SH	Sexual Exploitation and Abuse/Sexual Harassment
SDM	Single Digital Market
SEP	Stakeholder Engagement Plan
STD	Sexually Transmitted Diseases
TDA	Tourism Development Area
UTG	University of The Gambia
WARDIP	West Africa Regional Digital Integration Program

1. OVERVIEW OF LABOR USE ON THE PROJECT

1.1 Project background and Description

The Government of The Gambia has obtained financing from the World Bank for the implementation of the Western Africa Regional Digital Integration Program, The Gambia (WARDIP). The project is regional covering The Gambia, Guinea and Mauritania and the overall Project Development Objective (PDO) is to increase access to broadband and digital services through the development and integration of digital markets in the Western Africa region. More specifically, the project will seek to :

- Develop a single connectivity market, which will remove barriers to regional telecoms infrastructure and services deployment to encourage investment, improve performance, eliminate pricing and quality differentials between coastal and landlocked countries, as well as expand access to connectivity to all.
- Develop a single data market, which will enable secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services and innovation.
- Develop a single online market, which will allow government, firms and individuals to access and deliver both public and private services online, as well as to make online sales and purchases seamlessly from anywhere in the region. Core enablers for the online layer are digital financial services (DFS), electronic commerce, and priority public digital services for regional integration.

In addition to strengthening the connectivity agenda in the Region, the project will address the “soft issues” to foster a regional Single Digital Market (SDM). This would include enhancing policy and regulatory harmonization and strengthening the role of regional technical bodies to help coordinate and advise the participatory countries to achieve this agenda.

At the regional level, financing will be provided to the Economic Community of West African States (ECOWAS), to support the following activities: (i) development of regional regulatory framework when needed; (ii) monitoring of the implementation at the national level of regional frameworks; and (iii) capacity building/ support to national countries in trans positioning of the regional framework.

At the national level, WARDIP would enhance ongoing and planned national-level projects that support digital transformation in the region and fit into the above SDM framework but, it could also include more beneficiary/end-user focused activities to promote uptake and use of the digital services such as digital skills development, awareness campaigns around safe and productive use of the internet. Furthermore, national-level activities could include regulatory support (e.g. infrastructure-sharing, universal access, license and authorization procedures) that would prepare each country to better participate in and benefit from the emerging regional digital market.

Based on a Series of Projects (SOP) approach, countries and regional bodies could join in the future subject to the availability of IDA funds and meeting eligibility criteria. This approach helps to ensure coherence of interventions at country level to advance the objective of achieving a Single Digital Market in West Africa by 2030.

The project consists of five components :

Component 1 : Connectivity Market Development and Integration

This component would support reforms to reduce barriers to the provision of cross-border telecoms services through open markets as well as broadband connectivity infrastructure deployment under an MFD approach.

Component 2 : Data Market Development and Integration

This component aims to enable secure exchange, storage and processing of data across borders to support regional deployment and access to data-driven services, innovation and infrastructure, including reducing regional restrictions on the free flow of data and increasing investments into data infrastructure. In line with regional goals, this component could potentially include support to national objectives, which would be critical to set the path for integration.¹ It is also worthy to note that energy efficiency considerations will be integrated in the procurement of hardware and software under this component as detailed in **Annex 5**.

Component 3 : Online Market Development and Integration

The component aims to support the development and integration of the online market, which would enhance the enabling environment for the cross-border delivery and access of digital goods or services. This component would support governments, firms and citizens in participating countries to access and deliver private and public services online, as well as to make online purchases seamlessly from anywhere in the region.

Component 4 : Project Management

This component will provide technical assistance and capacity support for program preparation and implementation. It would finance the operating costs of the Project Implementation Units (PIUs) for each participating country as well as a PIU embedded in the participating regional body. Support would be provided to ensure the establishment of adequate Social and Environmental Safeguards capacity, as well as fiduciary and Monitoring and Evaluation (M&E), for the implementation of activities.

Component 5. Contingent Emergency Response Component (CERC)

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

1.2 Overview of Labor Use on the Project

In accordance with the provisions of The Environmental and Social Standard (ESS 2) of the World Bank Environmental and Social Framework (ESF), projects employ different categories of workers which are defined below.

Project workers

¹ National projects that are relevant to, and aligned with, the regional outcomes of this project may be added to this component.

"Project workers" means any person employed directly by the Project Management Unit and/or the project implementing agencies to perform tasks that are directly related to the project. They could be direct workers, contracted workers, primary supply workers or community workers. These different categories are presented below and their relevance to this project

Categories of project workers

Direct workers. These include staff of the Project Implementation Unit (PIU), Ministry of Communications and Digital Economy who are hired to implement the Project. The workers include staff at PIU and persons employed or engaged by the PIU to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.

Contracted Workers. These are workers employed or engaged through third parties (contractors, sub-contractors, brokers, agents, or intermediaries) to perform work on the project, regardless of location as in the case of the deployment of the sub-marine cable, construction of landing station and installation of terrestrial fiber optic backbone infrastructure. The contracted workers include those who will be carrying out the studies and those who will carry out the works during project implementation.

Community residents may be hired as employees by civil works contractors and as such will be covered under the provisions of this LMP and the respective Contractors' LMPs.

1.3 Number of project workers

The estimated number of direct workers and contracted workers is provided below for each category.

Direct workers

The PIU when setup is completed, is estimated to have a staff complement of 15, which includes a Project Coordinator, a Financial Management Specialist, an Environment Specialist, a Social Safeguards Specialist (who will be in charge of GBV, SEAH and gender), a Monitoring and Evaluation Specialist, a Procurement Specialist, a Digital Connectivity Specialist, a Cyber Security Specialist, a Digital Innovation Specialist, a Digital Financial Services Specialist and an ICT Legal and Regulatory Specialist (Legal Advisor) as well as ancillary and support staff (an Accountant, Admin Officer, drivers and cleaners etc...). During implementation, the number of workers will increase with the hiring of consultants and other specialists for specific tasks.

Contracted Workers

Two broad categories of contracted workers are expected: (i) private organizations (contractors, sub-contractors) who will provide local capacity building, as well as implementation support services to the PIU and other stakeholders; and (ii) those who work under the civil works contractors. Under the civil works, the workers would be hired in the implementation of infrastructure sub projects including the laying of the cables and building of the station. The estimated number of contracted workers is yet to be determined.

1.3.1 Characteristics of Project Workers

The characteristics of the workers are very much dependent on the nature of project activities. Besides the deployment of the Submarine cable and landing station, the main activities are technical assistance and capacity building. The deployment of submarine cable will be contracted to a private company specializing in this field, which will require experts (engineers and technicians) engineers and other

experts specializing in working in a marine environment. They would be migrant contracted workers working mainly at sea.

For the civil works a construction firm will be hired and the workforce will include experts (civil engineer, surveyor, site manager, construction supervisors, health and safety officer), skilled and unskilled workers.

For the technical assistance and capacity building activities individuals or companies specializing in the different fields may be contracted for the delivery of these services. The nature of the labor force will be experts and may include Telecommunication experts, Legal experts, financial experts, communication experts (for the outreach).

Given the nature and characteristics of the construction industry in the Gambia, it is likely the labor will be predominantly male, all of whom will be above 18 years of age. Female workers will be engaged in the PIU as direct workers. Women workers may also be hired in lead and support roles in outreach and communication programs to increase awareness of the facilities and opportunities of the expanded digital access for private business and for individuals. Finally, there is the “Support countrywide rollout of the Digital Addressing System “which will include hiring of field workers, capacity building, sensitization and awareness raising in the regions. This category of workers would be local and would include technicians and communication specialists. Many of the workers to be recruited will be local.

Timing of labor requirement

The direct workers (PIU staff) will be required full time and for the entire project duration.

Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of contracted workers will be known at later stages. However, they will be engaged depending on implementation of various sub-components on specific time slots.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

2.1 Project activities

The main project activities are :

- Deployment of submarine cable
- Construction of landing station,
- Technical Assistance and Capacity building- (Policy and strategy formulation, training, and public awareness campaigns)
- Establishment of a data center and a cybersecurity center

2.2 Key Labor risks associated with labor

i. Risk of accident for workers

In the exercise of their duties workers engaged by the project can be involved in accidents including road traffic accidents caused by non-compliance with the traffic regulations, faulty rolling stock, driver indiscipline. Measures to reduce these risks will include awareness raising of project workers on the need to respect the Highway Code; the regular maintenance of service vehicles and having in place a monitoring and maintenance book ; and an up-to-date insurance policy. The prohibition of alcohol consumption during service hours and compliance with occupational health and safety measures are also important preventive measures. Workers should be required to sign Code of Conduct upon recruitment wherein

each worker agrees to abide by occupational health and safety measures, as well as expected behaviors to prevent SEA/SH and maintain respectful community relations.

ii. Occupational Health and Safety (OHS) Risks

At the construction site for the landing station, the data center and the cybersecurity center, the majority of contracted workers will be unskilled and untrained local population so the risk of accidents leading to injuries remains high. To mitigate the risks, contractors will be required to hire a full time Health and Safety Officer or an environment specialist consultant to develop and implement written labor management procedures, including procedures to establish and maintain a safe working environment as required by ESS2. They will be required under the Environmental and Social Management Plan (ESMP) to ensure workers use basic safety gears, receive basic safety training and other preventive actions as provided in the Project's Environmental and Social Management Framework (ESMF) as well as the World Bank's Environmental, Health, and Safety (EHS) Guidelines²

iii. Labor Risks Associated with SEA/SH & VAC

The presence of temporary workers within communities where there are significant differentials in earning could give rise to sexual exploitation and abuse. Similarly, among project workers the power differentials may lead to SEA/SH. To address these risks, contractors will be required to have a written contract with their workers consistent with the objective of ESS2 and in compliance with this LMP, and sign Codes of Conduct (CoC) for workers that prohibits SEA/SH. Any SEA/SH/VAC risks pertaining to these activities will be addressed in the SEA/SH Prevention and Response Action Plan that is being prepared under the ESMF for the project in all Environmental and Social Management Plans (ESMP). As there is a strong focus on training and capacity building activities there are also risks related to SEA/SH.

iv. Risks of Communicable Diseases including COVID-19

Communicable diseases of most concern especially during the entire Project life cycle are COVID-19, Sexually Transmitted Diseases (STDs), and HIV/AIDS due to influx of workers living within the communities.

The risk of spreading communicable diseases is always present irrespective of the duration of the Project activity and increases with the importation of workers to communities. Communicable diseases of most concern, especially during the implementation and operation phases, are COVID-19 and Sexually Transmitted Diseases (STDs). The presence of large numbers of training participants in a single room without respecting the COVID-19 protocols on social distancing could also give rise to COVID-19 infections. All such gatherings should therefore respect the WHO and National guidelines for the prevention of the spread of the disease and these include amongst others the wearing of masks and social distancing.

v. Labor risks associated with discrimination especially for vulnerable groups and lack of transparency

The principle of equality, nondiscrimination and transparency are the key principles underlying employment decisions such as hiring and promotion, the ability of a person to perform the work, and access to employment opportunities, without regard to personal characteristics that are unrelated to the inherent work requirements. The provisions of national laws and the requirements of ESS2 in this regard are very clear and they should be fully applied where such cases arise. The establishment of a grievance mechanism (**see below**) provides an outlet to address such issues.

² https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/policies-standards/ehs-guidelines

As regards direct workers within the PIU who have physical or mobility disabilities, the employer should ensure that access to such buildings is facilitated by providing wheelchairs, ramps or elevators. Similarly, workers with hearing disabilities should also be provided with alternative formats of communication, such as large print, Braille, accessible digital formats, or audio tape to receive information. This information should be made available to workers with disability at the time of their recruitment.

vi. Overtime Work Risk

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

3. BRIEF OVERVIEW OF NATIONAL LEGISLATION

3.1 National Labor Legislation: Terms and Conditions

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

- **Wages and Deductions**

Presently, the official minimum wage is considered very low and not reflecting the current labor wages in the market. A new one has been prepared awaiting approval.³ In addition to wages, employers are also required to pay for work-related damages to health or property, and the next-of-kin are compensated in case of death. Deductions are allowed for specific reasons, but “total deductions shall not exceed one third of all remuneration due in that wage period (Article 77-Labor Act 2007). These may include deductions of a reasonable charge for food, drink, lodging, or clothing supplied by the employer to the employee, deduction of an amount for recovery of an advance made to an employee or in order to adjust a previous overpayment of wages.’ Art. 77 Labor Act 2007

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

The Labor Act prohibits discrimination against persons with HIV/AIDS and women with respect to maternity leave. Discrimination against women at the workplace is treated in more detail under the Women’s Act of 2010 which categorically prohibits discrimination against women in employment giving “every woman the right to work on the basis of the same employment opportunities, including the application of the same criteria for selection in matters of employment.” (Art. 16). Similarly, women have the right to equal remuneration, social security, and maternity benefits (Art. 18 Women’s Act 2010). Other provisions of the Act include protection and safety at work, maternity leave and non-discrimination based on marital status. However, there are no specific provisions in the Labor Act or the Women’s Act against sexual harassment or violence/abuse in the workplace.

³According to the Act, the Joint Industrial Council reviews wages and when agreement is reached between the parties, the decision is conveyed to the minister responsible for labor who puts the information in the gazette following which the recommendations come into effect.

- **Working Hours and Overtime**

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

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

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

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

- **Leave**

In addition to national holidays, all project employees are entitled to annual leave after serving a year with their employer. According to national regulations, Senior, Middle and Junior/supporting staff are entitled to 25, 22 and 18 days of leave with pay respectively. In addition, those who work in unhealthy and unfavorable working conditions e.g., unfavorable climate conditions receive an additional extra day. Leave without pay may also be taken by certain groups of people and may also be covered in contracts. At the termination of employment, employees are paid for unused leave, or they may use the leave as their last days of employment (Severance pay – (Section 67 of the Labor Act) Women’s Act, 2010 provides for maternity leave “with pay at her normal rate for not less than six weeks immediately preceding the expected date of confinement and for not less than six weeks following that date” (Art. 20.1). The Act also provides for paternity leave for a period of ten days (Art. 20.2).

- **Forced labor and Child Labor**

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

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

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

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

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

- **Labor disputes**

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

- **Freedom of Association and Collective Bargaining**

Workers have the right to establish and join workers' organizations of their choice in accordance with the Constitution and the Laws of The Gambia (Article 107, Labor Laws, 2007). In comparison to ESS2, the national laws cover many of the labor related issues, there are some important areas of difference which are included in the LMP under the relevant sections below.

No legal provisions related to SEA /SH at the workplace- there are no provisions in the national laws relating to SEA/SH and

-No requirement for labor management procedures/plan

-Limited Scope of non-discrimination limited to women and persons with HIV/AIDS

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

Occupational Health and Safety

The Labor Act 2007 addresses occupational health and safety issues under Articles 72 and 37.1 (a) and (b). Article 72.1 establishes the obligations of the employer to ensure occupational safety through the supply, free of charge of safety equipment and safety devices, which the workers are required to use for their protection. Article 72.2 requires that "the safety equipment and safety device shall be of such nature and quality as to provide the employee adequate protection, so far as is reasonably practicable from the risks occasioned by the activity he or she is engaged". Willful damage of these safety equipment and devices is considered an offense and upon conviction liable to a fine or an imprisonment or both (Art. 72.5). Article 37 requires newly engaged or transferred workers to undergo training to undertake their work adequately and safely and where new work methods are introduced workers must be adequately trained to do it safely under the changed circumstances.

Under ESS2, the measures relating to OHS have a broader coverage of issues which are aimed at protecting project workers from injury, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. It provides for project workers 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 danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal. A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods for responding to identified hazards and risks, setting priorities for taking action, and evaluation of results.

Table 1: Comparison between ESS2 and Gambian Legal Framework and the Environmental and Social Standard (ESS)2 of the World Bank

ESS & Topic	Major WB requirements	Key requirements in Gambian legal framework	Gaps	Actions Taken
<i>A. Working conditions and management of labor relations</i>	<p>-Written labor management procedures.</p> <p>-Terms and conditions of employment.</p> <ul style="list-style-type: none"> • Nondiscrimination and equal opportunity, including workplace environment free of all forms of violence and abuse, such as sexual harassment, access to communication of information for project workers with disabilities. • Worker’s organizations. • Labor Management Plans including Contractor’s ESMP. 	<p>-Written employment contract required, including procedures and employment conditions.</p> <p>-Non-discrimination and equal opportunity requirements exist for women and persons with HIV/AIDS.</p> <p>-Workers organizations</p>	<p>- No legal provisions related to SEA /SH at the workplace</p> <p>-No requirement for labor management procedures/plan</p> <p>- Limited Scope of nondiscrimination limited to women and persons with HIV/AIDS</p>	<p>-SEA/SH and VAC addressed in the LMP</p> <p>- LMP adopted the wider definition of nondiscrimination of ESS2 including access to communication of information for project workers with disabilities. --Contractor’s ESMP will include similar provisions</p>
<i>B. Grievance mechanism</i>	<p>GM should be in place for direct and contracted workers, including provisions that explicitly address the ethical and confidential management and resolution of SEA/SH claims</p>	<p>Grievances addressed through the administrative and judicial processes</p>	<p>No specific GM process for project workers & no provision for ethical and confidential treatment of SEA/SH</p>	<p>The LMP includes a GM, including uptake channel for SEA/SH, and workers are to be informed about it at the start of their employment.</p> <p>The LMP requires that the GM be transparent and easily accessible to all with the possibility of escalation of the complainant if not satisfied.</p> <p>The LMP does not exclude recourse to the judicial and administrative processes if the complainant is not satisfied with the outcome of the GM.</p>

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

5. RESPONSIBLE STAFF

The Project Coordinator, on a daily basis, will coordinate the project activities including relations with direct workers, contractors and suppliers.

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

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

The responsibilities of the contractors are as follow :

- Hire a full time safeguards personnel to oversee Safeguards measures throughout project implementation.
- Follow the LMP and OHS requirements in line with the safeguard instruments provisions and as stated in the contracts signed with the PIU for the direct workers and with the Contractor for the contracted works. If the number of workers (direct and contracted) is above 50, then Contractors will develop their own LMPs and OHS plans.
- Supervise the subcontractors' implementation of LMP and OHS requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Clearly communicate job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor/subcontractor is aware of the PIU dedicated phone number, email address, and web portal through which anyone can submit grievances.

- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe labor under Gambian law, on the risks of their jobs, and on measures to reduce risks to acceptable levels, including training on SEA/SH and VAC risks, prohibited behaviors under the code of conduct, and GM complaint procedures for confidential management of SEA/SH and VAC claims.
- Conduct training on LMP and OHS to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the code of conduct, which expressly prohibits SEA/SH and VAC and lists applicable sanctions, prior to the commencement of works and supervise compliance with the code.

When contractor(s) are known, this labor management procedure can be updated to include additional details about companies, hired workforce, etc., as necessary.

6. POLICIES AND PROCEDURES

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

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

Recruitment of Workers

As specified in the national legislation and the requirements of ESS2, employment of project workers will be based on the principles of nondiscrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment. Terms of employment made based on personal characteristics unrelated to inherent work requirements are prohibited.

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

- Recruitment procedures will be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexual orientation, disability, sex, or gender identity. Recruitment of female candidates should be specifically encouraged and promoted, especially for female employees in non-traditional roles or in supervisory positions, and the project should ensure specific outreach to women to ensure that they are well-informed and aware of open recruitments and how to apply

- Applications for employment will only be considered if submitted via the official application procedures established by the contractors
- Clear job descriptions will be provided in advance of recruitment that will explain the skills required for each post
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract
- Prior to the physical start of the assignment, all workers will be invited to undergo a medical clearance process to ascertain they are fit to work and bear no undisclosed medical conditions that may be harmful or incompatible with the level of efforts to undertake the work
- Employers are compelled to register all workers, at the national agency for employment and contribute monthly towards their retirement plan
- Employees will be informed, at least two months before the expected termination date, of their employment contracts
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the employer
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation. The explanation will be provided in a language understood by the worker
- Foreign workers will require work permits, which will allow them to work in The Gambia
- Under no circumstances will contractors, suppliers or sub-contractors, agents engage in forced labor practices
- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration
- Special measures

Occupational Health and Safety (OHS)

The Health and Safety specifications will include the following provisions :

- Ensuring workplace health and safety standards in full compliance with Labor Act including (1) basic safety awareness training to be provided to all persons as a pre-condition for presence at an active construction site ; (2) all vehicle drivers to have appropriate licenses, (3) Safe management of the area of operational sites.
- All workers and/or visitors on the site to be provided with functional PPE (Personal Protection Equipment) and 15 minutes safety and security briefs prior to going on site.
- All worksites be equipped with (i) fire extinguishers) and (ii) a well designated and easily identifiable emergency gathering point. Appointed Focal Points will help to gear and organize personnel in emergency situation ;
- All workplace health and safety incidents to be properly recorded in a register, which will be shared with the PIU. The register should include (1) time and place of incident ; (2) type of incident ; (3) type

of injury or other impact occurring, and number of workers affected; and (4) actions taken (first aid, evacuation etc.). Any registration of SEA/SH or VAC incidents will be undertaken separately and in accordance with the specific procedures set forward under the project GM for the management and resolution of SEA/SH and VAC claims as per the SEP.

- All active sites should have a health and safety plan including identification of potential hazards and actions to be taken in case of emergency, including location of accident and emergency facilities. This includes OHS protocols to mitigate against the transmission of COVID-19 as per the safeguard instruments.
- All employees to be aware of their rights under the Labor Law 2007, including the right to organize.
- All employees to be informed of their rights to submit a grievance through the Project Worker Grievance Mechanism.

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

7. AGE OF EMPLOYMENT

The Gambian law prohibits anyone under 18 from performing “unhealthy or heavy or unsafe” labor; however, children of 16 years of age can be employed in light work.⁴ Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, considering the best interest of the minor. Other measures may include prosecuting the offender and if found guilty will be liable to a fine of fifty thousand or to an imprisonment for a term not exceeding three years or both the fine and imprisonment (Art. 47 Children’s Act 2005). Contractors will need to keep records including verification records, which will be reviewed at regular intervals to ensure that verification has been undertaken. **The minimum age for workers in this project shall be 18 years.**

8. TERMS AND CONDITIONS

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

⁴Light work means , work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance to school or the capacity of the child to benefit from school work (ACT 43.1 Children’s Act 2005)

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

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

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

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

9. GRIEVANCE MECHANISM

A grievance mechanism (GM) is a procedure that provides a clear and transparent framework for addressing work-place concerns related to the recruitment process and in the workplace. This typically takes the form of an internal procedure for complaints, followed by consideration and management response and feedback. A GM will be provided for all direct workers and contracted workers to raise workplace concerns, including procedures for the ethical and confidential management of SEA/SH claims in the workplace. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. It will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned and, in a language, they understand, and without any retribution, and it will operate in an independent and objective manner. The project will establish a step-by-step GM procedure for the Project

workers consistent with the ESS2, and it will be described in the Project Operation Manual (POM). The GM will be accessible to all employees through various means (written, telephone, fax, social media etc.). The GM will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedure, or substitute for grievance mechanisms provided through collective agreements.

The project will have two sets of GMs –one will be established by the PIU for the direct workers and another to be set up by the contractors for the contracted workers.

9.1 Principles of the GM

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

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

The project will have two sets of GMs. One will be established by the PIU for the direct workers and another to be set up by the contractors for the contracted workers.

9.2 Direct workers' GM structure

The GM for Direct Workers will operate at two levels:

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

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

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

9.3 Contracted workers' GM structure

Contractor level. The project will require contractors to develop and implement their own GM and to resolve the grievances of contracted workers including sub-contractors, before the start of the design stage.

A grievance focal point assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances.

Each grievance record should be allocated a unique record number reflecting year and sequence of received complaints (see the attached logbook in **Annex 4**). Complaint records (letter, email, record of conversation) should be stored together, electronically or in hard copy. The Social Safeguards Specialist in the PIU will be responsible for undertaking a regular review of all grievances to analyze and respond to any common issues arising. The Social Safeguard Specialist is also responsible for oversight of the GM.

SEA/SH incidents will be routed to the project level SEA/SH-GM channel and workers will be informed of its existence during information and training sessions on the Codes of Conduct and Grievance Mechanism prior to the start of work.

10. CONTRACTOR MANAGEMENT

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

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

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

11. EMPLOYEES OF PRIMARY SUPPLIERS

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

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

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

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

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

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

12. ANNEXES

Annex 1 : Select Bibliography

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

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

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

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

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

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

Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

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

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

General

1. The company—and therefore all employees, associates, representatives, sub-contractors, and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to fully implementing its 'Contractors Environmental and Social Management Plan' (CESMP).
3. The company commits to treating women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including subcontractors and suppliers.

6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

Health and Safety

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

Gender Based Violence and Violence Against Children

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

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

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

3. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
4. Unless there is full consent⁵ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the workplace are prohibited. This includes relationships involving the withholding/promise of actual

⁵**Consent** is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

provision of benefit (monetary or non-monetary) to community members in exchange for sex—such sexual activity is considered “non-consensual” within the scope of this Code.

5. In addition to company sanctions, legal prosecution of those who commit acts of GBV, or VAC will be pursued if appropriate.
6. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and/or VAC by a fellow worker, whether in the same company or not. Reports must be made in accordance with project’s GBV and VAC Allegation Procedures.
7. Managers are required to report and act to address suspected or actual acts of GBV and/or VAC as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

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

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

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

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

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

7. That the company effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCCT for improvements and updates as appropriate.
8. All employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company’s commitments to ESHS and OHS standards, and the project’s GBV and VAC Codes of Conduct.

9. All employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Code of Conduct.

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

Date : _____ Signed at Location : _____

Printed Name : _____

Signature : _____

Manager's Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

Managers at all levels have a responsibility to uphold the company's commitment to implementing the ESHS and OHS standards, and preventing and addressing GBV and VAC. This means that managers have an acute responsibility to create and maintain an environment that respects these standards and prevents GBV, and VAC. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and sign the Individual Code of Conduct. This commits them to supporting the implementation of the C-ESMP and the OHS Management Plan and developing systems that facilitate the implementation of the GBV and VAC Action Plan. They need to maintain a safe workplace, as well as a GBV-free and VAC-free environment at the workplace and in the local community. These responsibilities include but are not limited to :

Implementation

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - i. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - ii. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
 - i. All direct reports sign the 'Individual Code of Conduct', including acknowledgement that they have read and agree with the Code of Conduct.
 - ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager, the GCCT, and PIU.
 - iii. Participate in training and ensure that staff also participate as outlined below.
 - iv. Put in place a mechanism for staff to :
 - (a) Report concerns on ESHS or OHS compliance ; and,
 - (b) confidentially report GBV or VAC incidents through the Grievance Mechanism (GM)
 - v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV or VAC issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired, or deployed. Use background and criminal reference checks for all employees.
5. Ensure that when engaging in partnership, sub-contractor, supplier or similar agreements, these agreements:

- i. Incorporate the ESHS, OHS, GBV and VAC Codes of Conduct as an attachment.
 - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
6. Provide support and resources to the GCCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV and VAC Action Plan.
 7. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the client, and the World Bank immediately.
 8. Report and act according to the response protocol (Section 4.7 Response Protocol) any suspected or actual acts of GBV and/or VAC as managers have a responsibility to uphold company commitments and hold their direct reports responsible.
 9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately.

Training

10. The managers are responsible to :
 - i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-contractors and suppliers; and,
 - ii. Ensure that staff have a suitable understanding of the C-ESMP and are trained as appropriate to implement the C-ESMP requirements.
11. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the GBV and VAC Action Plan for addressing GBV and VAC issues.
12. Managers are required to attend and assist with the project facilitated monthly training courses for all employees. Managers will be required to introduce the training and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.
13. Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on :
 - i. OHS and ESHS ; and,

- ii. GBV and VAC required of all employees.
14. During civil works, ensure that staff attend ongoing OHS and ESHS training, as well as the monthly mandatory refresher training course required of all employees to combat increased risk of GBV and VAC.

Response

15. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.
16. With regard to GBV and VAC :
- i. Provide input to the GBV and VAC Allegation Procedures (Section 4.2 Action Plan) and Response Protocol (Section 4.7 Action Plan) developed by the GCCT as part of the final cleared GBV and VAC Action Plan.
 - ii. Once adopted by the Company, managers will uphold the Accountability Measures (Section 4.4 Action Plan) set forth in the GBV and VAC Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
 - iii. If a manager develops concerns or suspicions regarding any form of GBV or VAC by one of his/her direct reports, or by an employee working for another contractor on the same work site, s/he is required to report the case using the GM.
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum time frame of 14 days from the date on which the decision to sanction was made
 - v. If a manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the respective company and the GCCT. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV or VAC issue warranting Police action is reported to the Police, the client, and the World Bank immediately
17. Managers failing to address ESHS or OHS incidents or failing to report or comply with the GBV and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the company's CEO, Managing Director, or equivalent highest-ranking manager. Those measures may include:
- i. Informal warning.
 - ii. Formal warning.
 - iii. Additional Training.
 - iv. Loss of up to one week's salary.
 - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
 - vi. Termination of employment.

18. Ultimately, failure to effectively respond to ESHS, OHS, GBV and VAC cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

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

Signature : _____

Printed Name : _____

Title : _____

Date : _____

Individual Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence and Violence Against Children

I, _____, acknowledge that adhering to Environmental, Social Health and Safety (ESHS) standards, following the WARDIP's Occupational Health and Safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities—be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, or potential termination of employment. Prosecution by the Police of those who commit GBV, or VAC may be pursued if appropriate.

I agree that while working on the project I will :

1. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
2. Will always wear my personal protective equipment (PPE) when at the work site or engaged in project related activities.
3. Take all practical steps to implement the contractor's environmental and social management plan (C-ESMP).
4. Implement the OHS Management Plan.
5. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can always impair faculties.
6. Consent to Police background check.
7. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.
8. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
9. Not engage in sexual harassment—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior (e.g., looking somebody up and down ; kissing, howling or smacking sounds ; hanging around somebody ; whistling and catcalls ; giving personal gifts ; making comments about somebody's sex life ; etc.).
10. Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
11. Not participate in sexual contact or activity with children—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.

12. Unless there is the full consent⁶ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or 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.
13. Consider reporting through the GM or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

Regarding children under the age of 18 :

14. Wherever possible, ensure that another adult is present when working in the proximity of children.
15. Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
16. Not use any computers, mobile phones, video, and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
17. Refrain from physical punishment or discipline of children.
18. Refrain from hiring children for domestic or other labor below the minimum age requirement of the project and national laws or which places them at significant risk of injury.
19. Comply with all relevant local legislation, including labor laws in relation to child labor and World Bank’s safeguard policies on child labor and minimum age.
20. Take appropriate caution when photographing or filming children (See Annex 2 for details).

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must :

21. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
22. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.

⁶Consent is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

23. Ensure photographs, films, videos, and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
24. Ensure images are honest representations of the context and the facts.
25. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as GBV or VAC. Any such actions will be a breach of this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature : _____

Printed Name : _____

Title: _____

Date : _____

Annex 3 : Procedures for implementing the project workers' GM :

Step 1 : Access to information

All project workers at the time of recruitment will be informed about the existence of the project workers' grievance mechanism and its mode of operation. This information shall be conveyed in a language understandable to the worker.

Step 2 : Receipt and registration of complaints

For direct workers all complaints should be submitted to the Social Safeguards Specialist who will be responsible for recording all complaints in a file. Any complaint, whether verbal or written, is immediately recorded in a grievance logbook attached as **Annex 4**. Complaints can be either verbal or written, however all oral submissions must be recorded in the complaints register to ensure traceability.

For contracted workers the Grievance Focal Point (GFP) assigned by the Contractor will receive and file the grievances in the grievance logbook to be provided by the contractor.

Step 3 : Investigation and resolution of complaints

After receipt of the complaint, Safeguards team will consider and address within seven (7) working days the grievance raised, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in/non-payment of salaries etc. He will be guided and supported by the Project Coordinator.

For Contracted workers, the Grievance Focal Point (GFP) has seven (7) working days to investigate and propose a satisfactory solution to the complaint.

All complaints relating to SEA/SH will be referred to the special procedures set up under the GM in the SEP.

Step 4 : Review of responses in case of non-resolution at first instance.

If the complaint cannot be resolved at the first level within seven working days, then it will be escalated to the next level and the complainant can refer the complaint to the Permanent Secretary, Ministry of Communication and Digital Economy who will have seven working days to consider and provide feedback.

For the contracted workers if, after seven days, there is no response from the Grievance Focal Point (GFP) or if the response is not satisfactory, then the complainant has the option to contact the PIU safeguards team directly to follow up on the issue and who will have seven working days to consider and provide a feedback.

Step 5 : Implement corrective measures

If the decision taken is acceptable to the parties, the complainant will be notified in writing of the solutions adopted and his/her agreement to the decision on the measures proposed. The corrective action(s) must start within five (05) working days after the complainant has accepted the proposed solution.

Step 6 : Judicial settlement

If all attempts at resolving the complaint are unsuccessful, the complainant can resort to the judicial system as provided for in Article 29 of the Labor Act, 2007.

The grievance mechanism as set out above shall not interfere with access to other judicial or administrative legal remedies that could be accessible in compliance with the Gambian laws or through existing arbitration proceedings or replace grievance mechanisms that are envisaged under collective labor agreements.

Step 7 : Completion or termination of the complaint

Once the case has been satisfactorily resolved for the parties, the complainant is required to confirm satisfaction of the resolution in writing. The file is closed after five (05) working days from the date of implementation of the corrective decision, which will then be documented.

The PIU shall document all cases that have been brought to it whether they have been successfully resolved or not and the report shall be included as an annex to the quarterly reports on the project GM.

Annex 4 : Grievance logbook for complaints except those related to sexual exploitation and abuse (SEA)/ sexual harassment

Case number	Date Claim Received	Name of Person Receiving Complaint	Where/how the complaint was received	Name & contact details of complainant (if known)	Content of the claim (include all grievances, suggestions, inquiries)	Was Receipt of Complaint Acknowledged to the Complainant? (Y/N – if yes, include date, method of communication and by whom)	Expected Decision Date	Decision Outcome (include names of participants and date of decision)	Was Decision communicated to the complainant? Y/N If yes, state when and via what method of communication	Was the complainant satisfied with the decision? Y/N If no, explain why and if known, will pursue appeals procedure	Any follow up action ?
01											
02											
03											
04											