ZIMBABWE IDAI RECOVERY PROJECT (ZIRP)

LABOUR MANAGEMENT PROCEDURES (LMP)

14 November 2019
# Table of Contents

- Table of Contents .................................................................................................................. 1
- Table of Contents .................................................................................................................. 2
- Acronyms .................................................................................................................................. 3
- 1. Introduction .......................................................................................................................... 4
- 2. ZIRP Labour Forecast, Labour Related Risks Assessment and Institutional Arrangement ........................................................................................................... 5
  - 2.1 ZIRP Labour Forecast ...................................................................................................... 5
  - 2.2. ZIRP Labour Risk Assessment ..................................................................................... 6
- 3. Legal and Policy Review ...................................................................................................... 10
  - 3.1 National Labour Laws .................................................................................................... 10
  - 3.2 National Occupational Safety and Health Laws ............................................................ 13
  - 3.3 Gap Assessment Between National Legislation and ESF (ESS2 & ESS4) ..................... 13
- 4.0 Key Procedures .................................................................................................................. 20
  - 4.1 Key Procedures Rationale ............................................................................................. 20
  - 4.2 Recruitment and Replacement Procedure ...................................................................... 20
  - 4.3 Grievance Redress Procedure ....................................................................................... 21
  - 4.4 Occupational Health and Safety Procedure ................................................................... 22
  - 4.5 Contractor Management Procedure .............................................................................. 23
  - 4.6 Labour Influx Procedure ................................................................................................. 23
- Annexes ..................................................................................................................................... 27
  - A: Employee Induction Checklist .......................................................................................... 27
  - B: Employee Employment Terms and Conditions Checklist for All Employers of Project Workers .................................................................................................................................. 28
  - C. Contractor Management Checklist .................................................................................. 29
<table>
<thead>
<tr>
<th>ACRONYMS</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<tr>
<td>CAP</td>
<td>Chapter</td>
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<td>CARE</td>
<td>Cooperative for Assistance and Relief Everywhere</td>
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<td>EA</td>
<td>Environmental Assessment</td>
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<td>EMA</td>
<td>Environmental Management Agency</td>
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<td>ES</td>
<td>Environmental and Social</td>
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<td>ESF</td>
<td>Environmental and Social Framework</td>
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<td>ESIA</td>
<td>Environment and Social Impact Assessment</td>
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<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
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<td>ESS</td>
<td>Environmental and Social Standard</td>
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<td>FAO</td>
<td>Food and Agricultural Organization of the United Nations</td>
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<td>GBV</td>
<td>Gender-Based Violence</td>
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<td>GoZ</td>
<td>Government of Zimbabwe</td>
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<td>GRM</td>
<td>Grievance Redress Mechanism</td>
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<td>HIV</td>
<td>Human Immuno Virus</td>
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<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>IVA</td>
<td>Independent Verification Agent</td>
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<td>LMP</td>
<td>Labor Management Procedures</td>
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<td>ME</td>
<td>Monitoring and Evaluation</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>PIU</td>
<td>Project Implementation Unit</td>
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<td>RDC</td>
<td>Rural District Council</td>
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<td>SEA</td>
<td>Sexual Exploitation and Assault</td>
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<tr>
<td>SI</td>
<td>Statutory Instrument</td>
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<td>TA</td>
<td>Technical Agency</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNOPS</td>
<td>United Nations Office for Project Services</td>
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<td>WFP</td>
<td>World Food Programme</td>
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<td>WHO</td>
<td>World Health Organization</td>
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<td>ZIRP</td>
<td>Zimbabwe Idai Recovery Project</td>
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1. INTRODUCTION

The Zimbabwe Idai Recovery Project (ZIRP) environmental and social management risk mitigation is laid out in the Environmental and Social Management Framework (ESMF) and the associated resultant Environmental and Social (ES) management tools (including, Environmental and Social Screening Guidelines, Environmental and Social Management Plan (ESMP), Stakeholder Engagement Plan (SEP) Grievance Redress Mechanism (GRM) and Gender Based Violence (GBV)/Sexual Exploitation and Assault (SEA) and Child Protection Action Plan), some of which will be formulated and administered during project implementation. The overall environmental and social risk rating for the project is moderate because the project is not complex and/or large, does not involve activities that have a high potential for harming people or the environment, and is located away from environmentally or socially sensitive areas. The anticipated negative environmental and social risks and impacts can also be easily mitigated in a predictable manner.

The World Bank’s Environmental and Social Standard 2 (ESS2) -Labour and Working Conditions and ESS4 -Community Safety and Health were also identified as applicable, with the same overall risk rating consistent with the scope of the anticipated labour requirements and operational arrangements. In accordance with the requirements of ESS2, UNOPS developed Labour Management Procedures (LMP). The purpose of the LMP is to set out the ways in which UNOPS, Technical Agencies (TAs) and all other project implementers will manage Project Workers in relation to the associated risks and impacts. The objectives of the LMP are to;

(a) Identify the different types of project workers that are likely to be involved in the project.

(b) Identify, analyse and evaluate the labour related risks and impacts for ZIRP.

(c) Set out procedures to meet the requirements of ESS2, ESS4 and applicable national legislation.

The LMP will be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other Environmental and Social Standards in general and ESS4 in particular.

The LMP will be administered to a wide variety of Project Workers as follows;

(a) Direct Workers. People employed directly by the UNOPS to work specifically in relation to the project in the Project Implementation Unit (PIU) at the Head Office in Harare, and in the Community Infrastructure Component in field offices in Mutare, Chipinge and Chimanimani, as well as Field Personnel based at various project sites within the districts.

(b) Contracted Workers. People engaged through third parties to perform work related to core functions of the project, regardless of location. Under this category are included, employees of the TAs for the project who are engaged on the project, World Food Program (WFP), World Health Organization (WHO), United Nations Children’s Fund (UNICEF) and United Nations Food and Agriculture Organization (FAO); as well as all other implementing partners (e.g. NGOs) that the TAs contract to implement ZIRP activities.

(c) Primary Supply Workers. People engaged by UNOPS’ primary suppliers. These include suppliers of agricultural inputs (including fertilisers, seed and animal health medicines) and road rehabilitation materials like gravel. This also include Private Security Companies, including the one contracted by WFP in its cash transportations from bank to targeted communities.

(d) Community Workers. People employed or engaged in providing community-based project interventions. These will include community members who will be working in minor road works, revegetation of eroded areas, gulley reclamation and other cash for works project activities.

The LMP will apply to project workers including fulltime, part-time, temporary and seasonal. The project scope does not have chances of employing migrant workers.
2. ZIRP LABOUR FORECAST, LABOUR RELATED RISKS ASSESSMENT AND INSTITUTIONAL ARRANGEMENT

2.1 ZIRP LABOUR FORECAST

ZIRP has three components, some of which will be implemented directly by UNOPS while other components will be contracted to TAs.

i. **Component 1: Providing Immediate Support for Cyclone Recovery.** This component will provide immediate and integrated livelihoods and healthcare solutions to cyclone-affected people, including: (a) restoring livelihoods through conditional cash transfers to provide food assistance, and through unconditional cash transfers for most vulnerable groups; (b) restoring agricultural crop and livestock production, including distribution of agricultural inputs for small farmer households, and the re-stocking and treatment of livestock and poultry; and (c) accelerating the revitalization of basic health services, including the provision of a basic package of health services and referral pathways related to Gender-Based Violence (GBV)/Sexual Exploitation and Assault (SEA), and child protection measures. All activities under this component will give special attention to women and female-headed households to ensure that they are included and could benefit from the project activities. This component will also finance project management and overheads costs for the above activities, such as needs and beneficiary assessments, preparation of technical designs and technical quality control. Most activities under this component will be contracted to respective TAs, who will also subcontract some of the activities to local contractors and NGOs. The ZIRP LMP will interface with the various project workers based on the provision for Contracted Workers and Community Workers. It is estimated that the TAs will have the following number of employees, WFP (10,000 community workers), WHO (20 mobile health employees) and FAO (700 community workers), UNICEF (10 WASH, Health and Education employees and over 200 community workers.). The handling of agricultural inputs will also give rise to Primary Supply Workers (mostly resident sales and field extension workers of suppliers of Agricultural inputs) considering that some of the inputs may be of the hazardous classification and needs Occupational Health and Safety consideration for both the suppliers and the users. WFP’s Security Services Provider has a pool of up to 90 highly trained and specialized guards from which up to six are deployed to escort WFP cash in transit, while the rest are deployed to other non-WFP related cash in transit engagements with local banks.

ii. **Component 2: Enabling Medium-Term Cyclone Recovery and Resilience-building.** This component will support the rehabilitation of critical community infrastructure, such as water and sanitation systems, irrigation networks, community schools, and community roads, as well as community level structural mitigation efforts for risk reduction, such as slope protection and environmental rehabilitation. This component will also finance project management and overhead costs for the above activities, such as needs and beneficiary assessments, preparation of technical designs and technical quality control, etc. This component will be implemented directly by UNOPS and TAs through contractors and direct engagements. There will be about 35 Direct Workers employed by UNOPS and over 500 Contracted Workers engaged by UNOPS and other TAs. This component also gives rise to over 20 Primary Supply Workers for suppliers of materials especially for the road component which requires supply of gravel which should be sourced from licensed borrow areas or from land volunteered by the community and transported under special licenses from either EMA or the local district office. Primary Supply Workers will also arise from the sales and delivery teams for suppliers of the agricultural inputs which include seed, fertilizers and animal health products.

iii. **Component 3: Providing Project Management and Technical Assistance.** This component will
include:

- **Project Management.** This will provide project management support to UNOPS for overall coordination and oversight functions and for centralized project services, across all components, including monitoring and evaluation (M&E), environmental and social safeguards compliance, technical quality assurance, grievance redress, GBV/SEA and referral and protection systems, and for engaging an independent verification agent (IVA) services for project results validation; and

- **Technical Assistance.** This will include a range of activities that will be progressively determined on a need basis to facilitate strengthened implementation. These could include, but are not necessarily restricted to: (a) supporting community risk assessments, monitoring and preparedness planning; (b) supporting community infrastructure damage assessments; (c) enhancing existing systems for displacement monitoring and targeting, as well as conducting intention surveys for internally displaced persons (IDPs); (d) developing health information and epidemic surveillance systems; and (e) strengthening project strategic communications and citizen engagement.

This component mostly consists of Direct Workers of UNOPS who will be working in the Project Implementation Unit (Harare). It is estimated that UNOPS will have about 35 Direct Workers spread across the PIU and the Community Infrastructure Component.

The labour requirements of ZIRP show that the LMP will have to cater for all the four categories of Project Workers as described in ESS2 namely Direct Workers, Contracted Workers, Primary Supply Workers and Community Workers.

2.2. **ZIRP LABOUR RISK ASSESSMENT**

As part of the labour risk and impacts identification, the following activities will assist in understanding the exposure pathways:

(a) The main activities for community workers will be debris removal, replanting vegetation, collecting debris for reconstruction, setting up of tree nurseries, rehabilitation of community health posts, toilets, latrines, boreholes, small piped schemes fed by boreholes or springs, ancillary infrastructure, solid waste facilities (landfill, dump sites, public bins and composting).

(b) The main types of activities for contracted workers will be reconstruction of storm drains, contours, terraces, waterways and water diversion structures, reclamation of gullies by constructing gabions, desilting of weirs, revitalization of irrigated land, rehabilitation of facilities, removal of debris and damaged trees, rehabilitation of simple infrastructure, more complicated civil works (heavy equipment), stabilize solid and large boulders, rationalize and formalize river beds, rehabilitate retaining walls, culverts, gullies, buffer zones, embankments, small reservoirs, storm-water drainage, and other, solid retaining and drainage structures and debris removal.

(c) Cash in transit. The conditional and unconditional cash transfers involve the withdrawal, transportation and distribution of cash by WFP in the targeted communities. The handling of significant amounts of cash is accompanied by significant risk of cash robbery. As part of mitigation of this risk, WFP contracted out the safeguarding of cash transportation and distribution to one of the reputable private security company. The provision of such security services requires that the security guards be armed in line with the statutory provisions. The use of arms in itself generates safety and security risks for the security guards themselves, other Project Workers present and the host community in case of misuse or accidents.

Table 2.1 highlights and analyses the potential labour related risks and impacts in view of the anticipated labour utilization and general baseline settings of the project area.
<table>
<thead>
<tr>
<th>Risk/Impact</th>
<th>Analysis (Magnitude, Extent, Timing, Likelihood, Significance)</th>
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<tr>
<td><strong>ESS2: Labour and working conditions</strong></td>
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<tr>
<td>1. Poor working conditions (unsafe work environment, underpayment, lack of workers’ rights etc) in contracted and community employees</td>
<td>Due to the economic meltdown in Zimbabwe, most employees’ working conditions are poor and the Project needs to ensure that such working conditions are not acceptable. The impact is significant in that it manifests exploitation of the very community that the Project intends to benefit. Direct and Contracted professional staff is unlikely be affected because they are covered by legally binding National Employment Councils minimum wages and conditions of service. Supervision of Contractor Labour Management Practices is essential to mitigate against this risk. The Contractor checklist in appendix C will be used.</td>
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<td>2. Discrimination against women and girls on employment.</td>
<td>In most rural communities in Zimbabwe, women and girls have a high affinity for household work owing to the general perception that men go to formal work while women and girls resort to the household duties. If there is no deliberate effort by the project to encourage the local women and girls to thrive for contracted work or community work, the risk of missing them as beneficiaries of potential employment is substantial. Contractors are therefore compelled to safeguard the interests of women and girls, including gender parity at the workspace, appropriate sanitation facilities at workplace and appropriate PPE for women.</td>
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<td>3. Arbitrary decisions by contractors on employment terms and conditions.</td>
<td>The duration of the contracts offered to contractor and community workers are short and may not allow employees adequate time and information for meaningful collective bargaining, leading to discontent of employees and disputes. UNOPS closely supervise the Contractor Recruitment Plan and ensure fairness of Employment Terms and Conditions against the applicable and prevailing National Employment Council stipulations. Where there is need for special terms and conditions as may apply for community workers, such special conditions shall be developed in a community meeting and documented and signed by the contractor and the community leaders – as resolutions from a meeting convened to discuss such employment terms and conditions. A checklist for Employment Terms and Conditions is in appendix B.</td>
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<td>4. Child Labour.</td>
<td>Common practices among rural communities is that children are sent to represent the elderly, the ill or the absent parents who would be the officially registered community employees for some community project. The minimum age of eighteen will be enforced at recruitment and in daily staff team talks by Contractors. UNOPS will also supervise this through the Contractor Management Checklist.</td>
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<tr>
<td>5. Forced Labour</td>
<td>Common practices among rural communities is that children or women who may not be able to deny the instruction, are sent to represent the elderly, the ill or the absent parents or husbands who would be the officially registered community employees for some community project, but without a corresponding right to access or control the earnings. This may constitute forced labour especially amongst community workers This is significant since it’s against the national labour laws. Substitutionary engagements will generally not be allowed as this will be inconsistent with the engagement contract signed by the principal employee. However, the Technical leads and their community-based partners can review such arrangements on a case to case basis. A consent section will be part of the employee signed employment contract. The community meeting resolution on employment terms and conditions will capture the fact that the community workers are not being forced to work on the project, but are working voluntarily.</td>
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6. Injuries at the workplace

Despite the use of mechanised equipment by contractors especially on the roads, the lifting of materials by community employees, injuries at the workplace are unlikely. Contractor occupational risk assessments and mitigation plans will be devised and implemented.

ESS4: Community Safety and Health

7. Community exposure to hazardous substances

Component 1 (b) has activities that include the use of agricultural inputs, thereby exposing the community to the risk of chemical or biological poisoning at storage, use or disposal of such Inputs and their respective packaging materials. This is significant as it is life-threatening. Procedure for chemical handling for use by Primary Supply Employees and Community Employees will follow The World Bank Group Environmental, Health and Safety General Guidelines\(^1\), as per ESMF. UNOPS and TAs will ensure the safe storage and use of the agricultural inputs.

8. Labour influx and Gender violence.

It is common in communal project areas in Zimbabwe and probable for the ZIRP that there will be internal movement of people from areas outside the project areas to seek employment and associated benefits from within targeted communities. The impact of this influx is significant since the targeted project beneficiaries may be crowded out and the community service provision may be compromised. Community relations may be disbursed resulting in GBV/SEA. UNOPS, TAs and all contractors will implement the Labour Influx Management Procedure (see 4.6.)

9. Cross contamination of drinking water supplies, ambient air quality and general nuisance from septic tanks and pit latrines.

The siting and operation of the latrines may create potential for contamination of the water supply, ambient air and create diseases vector. Location of such facilities should be downstream or minimum 30 meters of water sources, direction of wind, cleanliness within the facilities and hand washing observance.

10. Safety and security risks from use of armed security personnel.

It is common, standard and legal practise in Zimbabwe to use armed security personnel to safeguard cash or other valuable property. The risk of robbery in the event of unarmed security personnel is high and the impact on the unconditional cash project would be significant. Mitigation through armed security personnel to a great extent eliminates the risk of robbery in line with WFPs policies. However, to address any safety and security risks towards other Project Workers and the host community arising from the use of armed security personnel during the project activity such as misuse of arms or accidental shooting is residual due to the following mitigation measures:

- WFP has due diligence processes in place in collaboration with its headquarters when private companies are hired for their services; this includes their track record of service delivery in the country; the contracted security company has a good reputation in Zimbabwe, employs

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highly disciplined and trained personnel with thorough induction on the code of conduct.

- The Service Contract stipulates requirements as laid out in the United Nations General Conditions of Contract (UNGCC), including references made to WFP’s Anti-Fraud and Anti-Corruption Policy, “Consolidated United Nations Security Council (UNSC) Sanctions List”, Protection with a focus on Child Labour and PSEA, that are referenced as contractual obligations and form the basis of expected behaviour by the security personnel in regard to project workers and the host community

- WFP carries out start up training and annual refresher courses to the security personnel on pertinent issues including GBV/PSEA and Child Abuse. In cases of Project Coordinated Training, the Security Company will avail its personnel for such training.

- Host communities are well informed on the conduct expected from the security personnel and are educated on the Grievance Redress Mechanism to ensure any form of misconduct by the security personnel is reported. Through the stakeholder engagement, the management of the security company attends the community meetings and make a declaration that their security personnel are under strict contractual obligation to exhibit good conduct, encouraging the community to report any misconduct. So far, no reports have been received through WFP’s existing GRM but constant information dissemination on security company’s expected behaviour and that issues should be reported through the hotline and other means of addressing grievances is carried out.

- The residence time for the security personnel in the community is restricted to the time of cash distribution, they drive in and out immediately before and after the distribution.

- The cash distributions are carried out by WFPs Cooperating Partner with the security personnel being responsible for the actual cash distribution. WFPs M&E staff accompanies every distribution to undertake on site monitoring if cash distributions are carried out in accordance with WFPs standards and policies, including security personnel’s behaviour and compliance. During this time, the security personnel has no direct contact with the community as well as prior and after. The community sensitization, organisation, crowd control and other measures are carried out by the Cooperating Partners. All firearms possessed by the security company are regulated under the law of Zimbabwe and are not shown by the security personnel when engaging with the community.

The labour risks and impacts above will be mitigated through the specific LMP presented in section 4. The specific LMP will also take into consideration the legal review and the gap assessment in section 3.

2.3 INSTITUTIONAL ARRANGEMENT FOR IMPLEMENTATION OF THE LMP

Given the categories of Project Workers (Direct Workers, Contracted Workers, Primary Supply Workers and Community Workers), this section lays out the operational arrangements amongst the various institutions that are collaborating in the ZIRP and ensure the smooth implementation of the LMP. The requirements of the LMP apply to all categories of Project Workers and where there is a
special emphasis for a particular category of workers, this will be highlighted within the applicable section of the LMP.

Direct Workers are those workers employed under UNOPS or TAs (WFP, UNFAO, UNICEF, WHO and UNOPS Community Infrastructure), specifically for the ZIRP. The requirements of the LMP as applicable to the Direct Workers will be under the responsibilities of UNOPS through the PIU and the TAs through their Human Resources Departments and Safeguards Departments. The PIU will however have an oversight role on all the TAs through direct reporting arrangement on the requirements of the LMP in particular and other ESMF requirements in general.

Contracted workers are those workers that will be employed by contractors that will be engaged by either UNOPS Community Infrastructure Unit or by any of the TAs to execute the project activities on the ground. It is important to note that since UNOPS is the Project Implementer through the PIU, all the TAs including UNOPS Community Infrastructure Unit have a Client-Contractor relationship with the PIU and where the LMP refers to Contractor responsibilities, it also refers to them (TAs and UNOPS Community Infrastructure) in applicable engagements in addition to the lower level contractors that the TAs and UNOPS Community Infrastructure Unit may engage. The TAs and UNOPS Community Infrastructure Unit therefore have the responsibility to ensure LMP implementation at the interface with their respective contractors while the PIU oversees the LMP implementation at all levels.

WFP, FAO and UNICEF will engage the community workers directly in food for work, food for cash, community water and sanitation works, community irrigation rehabilitation and community land rehabilitation works. These TAs are responsible for the full implementation of the requirements of the LMP as it applies to community workers while UNOPS through the PIU will exercise oversight over the TAs labour management processes. It has been established that these TAs already have some community labour and relations management system in place and they will integrate these already existing structures and systems with the LMP to fully comply with the requirements of ESS2 and ESS4 in general and the Community Workers Procedure in particular.

The Primary Suppliers are identified as Subproject level by the responsible TA or PIU directly during subproject screening and the applicability of the LMP will be affirmed at that time. The TA under which the Primary Supply Workers falls has the mandate to ensure that all the procedure for Primary Supply Workers is observed, though the PIU will have the overall responsibility. The same is with the Community Workers Procedure, the responsible TA should ensure observance.

The approach to the implementation of this LMP is that all the provisions of the LMP are applied to all Project Workers and where special mention for a particular category of Project Worker is required, it will be mentioned.

3. LEGAL AND POLICY REVIEW

This chapter reviews the available legal provisions within the laws of Zimbabwe that will complement the aspirations of ESS2 (Labour and Working Conditions) and ESS4 (Community Safety and Health). The chapter also establish if there are any requirements of ESS2 and ESS4 that are not covered by legislation so that the LMP bridges the gap.

3.1 NATIONAL LABOUR LAWS

Zimbabwe is a member of the International Labour Organization (ILO) and signatory to the core ILO Labour Conventions which include fundamental principles and rights at the workplace, freedom of association, right to collective bargaining, discrimination and equal remuneration, child labour and
forced labour. The Constitution of Zimbabwe 2013, sections 65(1) enshrines labour rights to fair and
safe labour practices and standards, and the right to a fair and reasonable wage. Membership to ILO
and the provisions of the constitution create a solid platform for progressive and sustainable labour
and working conditions to be mainstreamed in the various workplaces in Zimbabwe in general and
ZIRP in particular.

The fundamental legislation on labour and working conditions in Zimbabwe is the Labour Act (CAP
28:01). The Act declares and defines the fundamental rights of employees and gives effect to the
International Obligations of the Republic of Zimbabwe as a member state of the ILO and as a member
of or party to any other international organisation or agreement governing conditions of employment
which Zimbabwe would have ratified. The Act provides for;

- definition of unfair labour practices
- regulates conditions of employment and other related matters like wages and salaries,
  provide for the appointment and functions of workers committees
- provides for the formation, registration and functions of trade unions, employers
  organizations and employment councils
- regulates the negotiation, scope and enforcement of collective bargaining agreements and
- provides for the establishment and functions of the Labour Court and prevention of trade
  disputes.

The Act is supported by Statutory Instruments targeting specific labour related issues including;

a. **Labour Relations (Employment of Children and Young Persons) Regulations, 1997.** The
   regulations define minimum age for employment as sixteen. Exception is given in cases where
   such work is an integral part of a course of education or training for which the school or
   training institution is primarily responsible; and does not prejudice such child’s education,
   health, safety, social or mental development. A child may be employed in an activity in which
   it receives adequate specific instructions or vocational training in that activity.

b. **Labour Relations (Workers Committees) (General) Regulations, 1985.** The regulations
   safeguard the employee’s right to participate in the formation of a workers committee and to
   undertake tasks on behalf of a workers committee. A workers committee shall be formed
   when a group of employees or any one employer appoint or elect some of the employees to
   represent them in the works council composed of an equal number of employer
   representatives and employee representatives. The works council is a platform where
   employee engage in negotiations on all work-related matters with the employer including
   wages and other employee benefits.

c. **Labour Relations (Employment Codes of Conduct) Regulations, 1990.** The regulation
   provides for the registration of codes and conduct agreed between an employer and the
   representatives of the employees as rules of conduct to be observed at the workplace,
   undertaking or industry concerned. The codes will include and not limited to;

   i. **Precise definition of those acts or omissions that shall constitute misconduct, and the**
      **categorization of those acts or omissions according to their seriousness. The acts of**
      **misconduct include**

      - any act of conduct or omission inconsistent with the fulfilment of the express
        or implied conditions of his or her contract
      - wilful disobedience to a lawful order
      - wilful and unlawful destruction of the employer’s property
      - theft or fraud
      - absence from work for a period of five or more working days without leave or
        reasonable cause in a year
      - gross incompetency or inefficiency in the performance of his or her work; or
      - habitual and substantial neglect of his or her duties
• lack of a skill which the employee expressly or implied held himself or herself to possess.

ii. Procedures for settling any grievances that may arise between or against employees, managerial employees or the employer; and

iii. Procedures to be followed in the event of any breaches of the code, including a requirement that any breach be investigated before any proceedings are commenced against an employee.

iv. Penalties for any breaches of the rules or procedures of the code, which may include oral or written warnings, fines, reductions in pay for a specified period, demotion, suspension with or without pay or on reduced pay for a specified period, and dismissal from employment.

v. Person, committee or authority which will be responsible for implementing and enforcing the rules, procedures and penalties of the code.

vi. Notification in writing to any person who is alleged to have breached any of the rules or procedures of the code of the nature of the misconduct or breach alleged against him and the date when proceedings are to be commenced against him.

vii. Right of an accused employee to have his case heard by the appropriate person, committee or authority referred to in paragraph (e) before any decision in his case is made.

viii. Written record or summary to be made of any proceedings and decisions taken in terms of the code, which record, or summary shall be made at the time such proceedings and decisions are taken, and shall be kept for a period of not less than 12 months; and

ix. Procedure for an appeal within a specified period to such person, committee or authority as may be specified.

d. Labour (Settlement of Disputes) Regulations, 2003. The regulations provide for dispute resolution with public service through the involvement of the Labour Officer within the Ministry of Public Commission, Labour and Social Welfare. The provision has means to engage the disputing parties until the worst-case scenario manifests and arbitration is sought before engaging the formal court system. As part of the dispute resolution, a local company disciplinary meeting is held, if no resolution is found the matter can be escalated to the labour officer in respective National Employment Council, if no resolution the matter is referred to the Labour Court, the High Court, the Supreme Court and the Constitutional Court if no resolution is found. The Constitutional Court’s decision on the matter is final.

e. Labour Relations (HIV and AIDS) Regulations, 1998. The regulations protect the rights of HIV infected employees and aspiring employees by guarding against any form of victimization or segregation, including and not limited to HIV testing before employment or compulsory disclosure of one’s status at the workplace. The statutory instrument also calls for employers to invest in HIV and AIDS awareness within the workplace. This may include, health talks, free testing and counselling, free distribution protection materials and employee access to sick leave where required.

f. Labour Relations (Specification of Minimum Wages) Notice, 1996. The statutory instrument provides for the setting of minimum wages applicable to public service by the Minister of Public Service, Labour and Social Welfare. The various employment council also set their respective minimum wages based on negotiations during collective bargaining as provided for in the Labour Act. These requirements will be enforced through contractor management of all UNOPS contracts, including UN2UN agreements and sub-contracts by TAs. Where UNOPS directly employs, it will provide for full awareness of the applicable codes and conduct at recruitment through induction and implementation during employment through labour audits. The project will refer to National Employment Councils for the agricultural sector, transport sector, water sector, health sector and construction sector since the project activities cut across these sectors for its contracted employees.
3.2 NATIONAL OCCUPATIONAL SAFETY AND HEALTH LAWS

i. National Social Security Authority Statutory Instrument 68 (Accident Prevention and Worker’s Compensation Scheme) 1990

The Statutory Instrument provides for the protection of health and safety of workers, prevention of accidents and compensation for employees or their dependents in the event of an injury, contracting diseases or death out of and in the course of employment. The third schedule of Section 15 defines the collective duties of employers, workers and other persons in accident prevention at the work place. In principle, the employer is required to provide a healthy and safe environment and to formulate and implement a health and safety policy at the workplace. Employees are required to identify and report health and safety hazards while executing their duties without posing risks to their health and safety. Part I, section 2 provides for the establishment of a worker’s compensation scheme in respect of injury, occupational illness or death and for the promotion of occupational health and safety to which all employers and employees are required to contribute. UNOPS will enforce comprehensive occupational safety and health provisions for its own project related activities and on all TAs and their sub-contractors to prevent accidents at the workplace. TAs will be responsible for mainstreaming these requirements in their respective project-related activities. All contractors will be required to have Safety and Health personnel that is commensurate with the scope of their contracted work. The Project Implementation Unit (PIU) will carry out inspections and audits to ensure the required occupational safety and health standards are maintained at all project activities through the contractor checklist.

ii. Public Health Act (Cap 15:09 – Revised 1996)

The Public Health Act makes provision for the control of activities and situations that have potential to affect public health. It establishes powers of health officials, local authorities and has several regulations made subservient to it, including the Public Health (Effluent) Regulations 1972 (SI.639 of 1972) serve to control the disposal of effluent into the environment. In view of this legal requirement, all work areas should have proper provision for management of human excreta and general waste from project sites. Depending of the location of work areas, UNOPS, TAs and all sub-contractors will ensure that there are mobile toilets and waste collection bins in all qualifying work areas, especially community related work areas that will have many people at the same work place that may not have toilet facilities.

iii. FIRE ARMS ACT (Cap 10:09)

The Act provides for ownership of firearms for private use through a certificate that is applied for and issued by the Government Security Department under strict conditions and surveillance. The certificate is issued after an assessment and certification that the applicant has adequate capacity to ensure public safety during the time of possession and use. The Act also requires declaration of where the firearms will be stored and where they will be used, making all firearms traceable. The certificate is valid for a year and is renewed on the basis of past record of good use, this reduces chances of abuse since the security company cannot risk losing its certificate, as this will lead to loss of its high profile contracts. The Act provides for custodial sentence in case of abuse of firearms.

3.3 GAP ASSESSMENT BETWEEN NATIONAL LEGISLATION AND ESF (ESS2 & ESS4)

This section provides a reflection of the National Legislation with the objectives of ESS2 and ESS4, providing a means for the bridging of the gap to ensure effective implementation and monitoring of the LMP. Table 3.1 showcases the gap assessment.
<table>
<thead>
<tr>
<th>ESF Objective</th>
<th>National Requirements</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESS2 Labour and Working Conditions</td>
<td>Labour Act (CAP 28:01) Section 12 compels the employer to inform the employee on the details of employment, Duration, particulars and termination of employment contract in writing. The details include name and address of the employer, the period of time, if limited, for which the employee is engaged, the terms of probation, the terms of any employment code, particulars of the employee's remuneration, its manner of calculation and the intervals of Payment, benefits receivable in the event of sickness or pregnancy, hours of work, particulars of any bonus or incentive production scheme, particulars of vacation leave and vacation pay and particulars of any other benefits provided under the contract of employment.</td>
<td>Each Contracted Worker of LDs or other Contractors shall sign a contract with every employee upon engagement and make them available for inspection by UNOPS. Where community employees may not sign individual contracts, the details of the community meetings (attendance, resolutions and representatives) should be documented and available for inspection by UNOPS.</td>
</tr>
<tr>
<td>1. To provide employee with information and documentation that is clear and understandable regarding their terms and conditions of employment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. To promote the fair treatment, nondiscriminatory and equal opportunity of project workers.</td>
<td>Labour Act (CAP 28:01), section 5 protects employees or prospective employees against discrimination on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or disabled. The prohibition relates to advertisement of employment, recruitment for employment, the creation, classification or abolition of jobs or posts, determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits, choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment, provision of facilities related to or connected with employment or any other matter related to employment.</td>
<td>UNOPS will make all Contractors aware of the Labour Act requirement for compliance in their recruitment processes. Contractors shall show UNOPS the evidence of induction of employees on the legal requirements for nondiscrimination.</td>
</tr>
<tr>
<td>3. To support the principles of freedom of association and collective bargaining of project workers in</td>
<td>Labour Act (CAP 28:01) Section 23 provides for the formation of workers committees through appointment or election by workers to represent their interests, provided that no managerial employee shall be appointed or elected to a workers committee, nor shall a</td>
<td>Due to the shortness of the typical employment contracts for most activities, inaccessibility of the respective National Employment Councils and the voluntary basis of</td>
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</table>
a manner consistent with national law. workers committee represent the interests of managerial employees, unless such workers committee is composed solely of managerial employees appointed or elected to represent their interests.

Section 25 pronounces that the collective bargaining agreements negotiated by workers committees with their employer and accented to by their affiliated Trade Union shall be binding on both the employer and the employees.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. To prevent the use of all forms of child labour.</td>
<td>The Labour Act (Cap 28:01) establishes the minimum age for work as 16 inclusive of where a child is engaged in vocational/ technical or apprenticeship training. No project worker under the age of eighteen will be employed. The ages will be verified through the use of National identification or through witness by local leadership in cases where such documents are part of individual belongings that were destroyed by the cyclone.</td>
</tr>
<tr>
<td>5. To prevent the use of all forms of forced labour.</td>
<td>Labour Act (CAP 28:01) section 4A prohibits forced labour. The Act excludes any labour required by virtue of an enactment during a period of public emergency or in the event of any other emergency or disaster that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or disaster, for the purpose of dealing with that situation from being forced labour. All contractors will ensure consent of employees to work as project workers. The consent of community workers will be secured through minutes of meetings that resolved to engage the community under the specified terms and conditions.</td>
</tr>
<tr>
<td>6. To promote safety and health in the workplace.</td>
<td>National Social Security Authority Statutory Instrument 68 (Accident Prevention and Worker’s Compensation Contractors including TAs shall have appropriate</td>
</tr>
</tbody>
</table>
Scheme 1990 compels all employers to ensure safe and healthy working conditions including:

(a) Identification of potential hazards to project workers, particularly those that may be life threatening.
(b) Provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.
(c) Training of project workers and maintenance of training records.
(d) Documentation and reporting of occupational accidents, diseases and incidents.
(e) Emergency prevention and preparedness and response arrangements to emergency situations.
(f) Remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

SHEQ officer and First Aider.
Contractors will not victimize any project workers that remove themselves from unsafe or unhealthy work environments.
Contractors will ensure that all project workers have access and are able to effectively use appropriate personal protective equipment (PPE).
Through the safety and health personnel at respective project sites, employees will be assisted to conduct a HIRA before starting any given work.

<table>
<thead>
<tr>
<th>7. To provide project workers with appropriate means to raise workplace concerns.</th>
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| Labour (Settlement of Disputes) Regulations, 2003. The regulations provide for dispute resolution with public service through the involvement of the Labour Officer within the Ministry of Public Commission, Labour and Social Welfare. The provision has means to engage the disputing parties until the worst case scenario manifests and arbitration is sought before engaging the formal court system. Labour Act (CAP 28:01) provides for the registration of a code of conduct by particular employers. The Code of conduct will include:

(a) Disciplinary rules to be observed including the precise definition of misconduct.
(b) Procedures in case of any breach of the code. Penalties for breach of the code, which may include oral or written warnings, fines, reductions in pay for a specified period, suspension with or without pay or on reduced pay, demotion and dismissal from employment.
(d) Person, committee or authority that shall be responsible for implementing |
| Contractors will be required to comply with general legal requirements where they do not have a code of conduct registered with the Ministry of Labour or enforce their respective codes of conduct where registered.
Contractor will be required to induct their employees on the grievance procedure.
UNOPS will require contractors to report grievances raised within one month and progress on resolution monthly. |
and enforcing the rules, procedures and penalties of the employment.

(e) Notification to any person who is alleged to have breached the code that proceedings are to be commenced against him in respect of the alleged breach.

(f) Right of a accused person to be heard by the appropriate person, committee or authority referred to in paragraph (d) before any decision in his case is made;

(g) Written record or summary to be made of any proceedings or decisions taken in terms of the code, which record or summary shall be made at the time such proceedings and decisions are taken.

8. 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.

Labour Act (CAP 28:01), section 5 protects employees or prospective employees against discrimination on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or disabled.

The project will not employ migrant workers. Contracted workers and Community workers are covered under the legal provisions applicable in all other objectives and the World Bank standards will be enforced where there are no clear legal provisions. Primary suppliers employees are covered through their respective contracts of employment and where applicable, UNOPS and TAs expect them to comply with minimum requirements in appendix B.

9. To anticipate and avoid adverse impacts on the health and safety of project affected communities during project lifecycle from both routine and non-routine circumstances.

Public Health Act (Cap 15:09 – Revised 1996), makes provision for the control of activities and situations that have potential to affect public health. Public Health (Effluent) Regulations 1972 (SI.639 of 1972) serve to control the disposal of effluent into the environment. In view of this legal requirement, all work areas should have proper provision for management of human excreta and general waste from project sites.

Contractors will ensure that there are mobile toilets and waste collection bins in all applicable work areas, especially community related work areas that will have many people at the same work place that may not have toilet facilities. The national legislation is very limited and broad.
10. To promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure including dams. Zimbabwe does not have comprehensive legislation on climate change as yet, but has a climate change bill that is in the process of being passed into law. The country’s climate change initiatives are currently being coordinated under the National Climate Change Response Strategy, which provides a framework for a comprehensive and strategic approach on aspects of adaptation, mitigation, technology, financing, public education and awareness. It will help to inform Government on how to strengthen the climate and disaster risk management policies.

Quality and safety of infrastructure is governed by the Urban Council Act and the Rural District Councils Act, which both delegate the supervision and enforcement of construction standards for infrastructure as it relates to public safety and health. These institutions enforce standards for construction of roads, public buildings and household building. In line with these regulatory provisions, all infrastructure designs will need to be reviewed and various construction phases certified by qualified local authority staff.

The impacts of climate change most affect the vulnerable groups including the women and children. Giving an opportunity for more women as project workers gives the household better chances to adapt to climate change. Contractors should therefore target to maximize employment benefits to women and girls. UNOPS, through the TAs and UNOPS Community Infrastructure Unit will ensure technical quality and safety of all community infrastructure that each of them is working one. Regulatory technical review of the infrastructure will also ensure compliance with minimum government standards for such infrastructure, ie:

- Roads- DDF/RDC
- Water - DDF/ZINWA
- Agriculture - AGRITEX
- Health - Ministry of Health

The respective regulatory requirements will be established at screening and further ES Assessment.

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11. To avoid or minimize community exposure to project related

Environmental Management (Hazardous Substances, Pesticides and other Toxic Substances) Regulations, 2007 provides for the safe application of ESS 4 will be used, e.g. related to GBV. The PIU will enforce this as part of the Contractor Management Checklist in appendix C.

Suppliers of and community members who will use agricultural inputs will have to comply with the chemicals handling
traffic and road safety risks, diseases and hazardous materials.

transportation, storage, use and disposal of such hazardous substances. Roads Act (CAP 13:18), Section 72 provides for the designation of the RDC or the DDF as the Roads Authority for roads that fall within their jurisdiction. These authorities have the right to inspect the quality of road infrastructure within their jurisdiction for the safety of the passengers and the community. The Act provides for enforcement appropriate road wayleave, road width, road diversion, road closure, drainage and signage.

The Road Traffic Act (CAP 13:11) provides for the licensing of drivers of motor vehicles, for the issue and recognition of international driving permits and foreign drivers licences, for compulsory insurance against third party risks arising out of the use of motor vehicles, for traffic signs and police directions, for the control of certain advertisements, for certain offences connected with road traffic.

procedure as per World Bank Group Environmental, Health and Safety General Guidelines. UNOPS and all Contractors working on road infrastructure will need to liaise with the Road Authorities for certification of inbuilt road safety design features.

UNOPS and all road related Contractors will ensure community safety by ensuring that Project vehicles comply with regulatory signs and take heed of all informative road signs. On road construction works, clear markings, guides, traffic control measures and barricades will be erected to adequately inform and protect the commuting community members on the required areas of cooperation for maximum community road safety.

12. To have in place effective measures to address emergence events

Civil Protection Act Chapter 10:06 of 1989 provides for the operations of the Department of Civil Protection (DCP), whose key mandate is Disaster Risk Management (DRM) which entails a spectrum of activities involving prevention / mitigation of disaster risks, preparedness planning, timely early warning and response to rehabilitate affected elements. The DCP coordinates DRM actors drawn from the public sector, private sectors, NGOs and development partners such as UNDP, WHO, WFP, Zimbabwe Red Cross Society and others.

UNOPS will work with all such stakeholders on the ground in case of an emergence.

13. To eliminate safety or security risks or impacts to community or Project Workers,

Fire Arms Act (CAP 10:09) provides for the controlled possession of fire arms through the requirement of a certificate. The certificate is issued after providing all the information that will UNOPS will work with WFP as the only TA that has a security component to ensure the following arrangements:
arising from use of armed security personnel.

prove that the fire arms will not be used to jeopardize community security and safety. The certificate is renewed annually and renewal is denied if there is a report of abuse of the firearms. There is good common ground between the expectations of the ESS4 and the Act in that both aim at ensuring public safety and security. ESS4 however emphasizes the need for training, stakeholder engagement, grievance redress mechanisms, a Code of Conduct for the personnel and tight contract management.

• Reflect need for good behaviour by personnel in contract
• Training of security personnel on humanitarian principles and other essential areas of concern
• Engage stakeholders on potential risks
• Maintain community awareness on GRM
• Accompanied and limited presence of security personnel in community.
• Ensure that certification is current - as per law

4.0 KEY PROCEDURES

The ZIRP is guided by the recognition of the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. The ZIRP will 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.

4.1 KEY PROCEDURES RATIONALE

Following the labour risk assessment, the legal and policy review, and the gap assessment, this section summarizes key Labour Management Procedures that the UNOPS, Contractors and all Project Workers will follow in ensuring the full accomplishment of the objectives of ESS2 and ESS4 in specific. During the gap assessment, there are some aspects that are completely covered through legislation while aspects not completely covered by legislation will be satisfied through reference to the World Bank’s sector specific guidelines on good practices on occupational safety and health.

4.2 RECRUITMENT AND REPLACEMENT PROCEDURE

a. Procedure Objective
The objective of this procedure is to ensure that the recruitment process and placement of Project Workers is conducted in a manner which is non-discriminatory and employees are inducted to all essential work related matters.

b. Procedure

1. Contractors including the TAs submits a recruitment plan to the PIU for review and approval. The following details will be shown;
   i. Number of staff required.
   ii. Intended working condition as in appendix B.
   iii. Intended locations of staff.
   iv. Job specifications in terms of qualification and experience.
2. Contractor publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for community workers) to ensure all potential candidates have access to the information, including women.
3. Shortlist and recruit candidates ensuring the following;
   i. 50% shortlisted candidates are women.
   ii. As much as possible, 50% engaged employees are women.
   iii. Screen off candidates under the age of Eighteen years.
4. On recruitment, ensure a contract of employment is signed voluntarily, with all detailed listed in appendix B, for both Contracted workers and Community workers.
5. For Community Workers, Contractor will have the terms and conditions discussed, explained, negotiated and documented through joint community meetings, with each community employee showing consent through appending of their signature against the resolutions or signing the attendance register of the meeting which made the employment resolutions.
6. Before commencement of work, Contractor will ensure employee is inducted on the essential work-related issues as listed in appendix B, which include the following;
   i. Key Job Specifications
   ii. Terms and Conditions of Employment
   iii. Special Codes of Conduct
   iv. Disciplinary Procedures
   v. Grievance Redress Mechanism
   vi. Freedom to join and participate fully in Workers Association activities, Employment Council or Trade Union
   vii. Key ES Aspects of ZIRP
   viii. Key operational ES documents
       • ESMF
       • LMP
       • GBV Action Plan and any others
   ix. Emergency Preparedness
7. Maintain all such employment records available for review by the World Bank, PIU or Regulatory Authority.

4.3 GRIEVANCE REDRESS PROCEDURE

a. Objectives of the procedure
The objective of this procedure is to settle the grievance between employer and employee or between employees bilaterally before the intervention of the formal court, except in cases where the grievance constitutes a criminal offense that requires notification of the law enforcement agencies.

b. Procedure

1. UNOPS and TAs contract only Contractors with registered code of conduct or who sign an undertaking to comply with the provisions of the Labour Act for Contracted workers and
Contractors who will comply with community meetings resolutions on applicable rules in the case of Community workers.

2. Contractor inducts the employee on the applicable grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available for inspection by UNOPS or World Bank.

3. In case of violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor’s superior in case of conflict of interest.

4. The supervisor will verify the details and seek to address the matter within the shortest time up to 48 hours.

5. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found.

6. Where no resolution is found, the employee will escalate the matter to the sector specific National Employment Council, to the Labour court, High Court or Supreme Court who will resolve the matter between employer and employee. The Supreme Court’s decision is final.

7. Where no resolution is found between employees, the aggrieved employee will escalate the matter to the Labour court, High Court or Supreme Court who will resolve the matter between employer and employee. The Supreme Court’s decision is final.

8. The Contractor shall keep records of all proceedings of grievance redress that are within their jurisdiction and furnish UNOPS and TAs as part of the periodic progress reporting to UNOPS or the TAs.

9. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the ZIRP GBV/SEA and Child Abuse Action Plan referral pathways and complaints resolution mechanism.

4.4 OCCUPATIONAL HEALTH AND SAFETY PROCEDURE

a. Objective of procedure
The objective of the procedure is to achieve and maintain a healthy and safe work environment for all Project Workers (Contracted Workers and Community Workers) and the host community.

b. Procedure
1. On procurement for contractor, UNOPS and TAs avail the LMP and the ESMF to the aspiring contractors so that contractors include the budgetary requirements for occupational health and safety and community health and safety in their respective bids.

2. The contractor will develop and maintain an occupational health and safety management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety which can be found at http://www.ifc.org/wps/wcm/connect/9ae2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf

3. Contractor appoints an appropriately qualified and experienced Safety Health and Environmental Officer whose responsibilities is to advise the employer on an SHE related issues.

4. Contractor provides preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances.

5. Contractor provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety.

6. Contractor documents and reports on occupational accidents, diseases and incidents.
7. Contractor provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to:
   - Workplace accidents
   - Workplace illnesses
   - Flooding
   - Fire outbreak
   - Disease outbreak
   - Labour unrest

8. Contractor to comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation.

9. Contractor shall maintain all such record for activities related to the safety health and environmental management for inspection by the World Bank or PIU.

4.5 CONTRACTOR MANAGEMENT PROCEDURE

a. Objective of procedure
The objective of this procedure is to ensure that UNOPS and TAs have contractual empowerment to administer oversight and action against contractor noncompliance with the LMP.

b. Procedure
   i. UNOPS and TAs shall avail all related documentation to inform the contractor about their requirements for effective implementation of the LMP.
   ii. Before submitting a bidding for any contracted work, the contractor shall incorporate the requirements of ESMF and the LMP as listed in appendix C.
   iii. Contractor to formulate, implement and review contractor specific Management Plans as required by the ESMF and LMP including
      - Occupational safety and health
      - Labour Recruitment Plan
      - Code and Conduct for employees
      - Waste management plan
      - Emergency plan
   iv. Contractor to submit as required by UNOPS or TA, the progress reports on the implementation of the LMP and allow UNOPS or the TA access to verify the soundness of the contractor’s implementation of the requirements of the LMP.
   v. Where appropriate UNOPS or the respective TA may withhold contractor’s payment until corrective action is implemented on major noncompliance to the LMP. The following are some of the major noncompliance that contractors need to take note of (Comprehensive list is in appendix C):
      - Failure to submit mandatory quarterly progress report
      - Failure to avail for inspection specified documentation pertaining to the implementation of the LMP
      - Failure to submit accident investigation report a fatality that occurred at the workplace
      - Failure to appoint or replace a SHE officer
      - Failing to provide adequate appropriate PPE
      - Recruitment of nontechnical staff from outside the local community.

4.6 LABOUR INFLUX PROCEDURE

a. Objective of the procedure
The objective of this procedure is to capacitate UNOPS and TAs and all Contractor to mitigate the labour influx risk and impacts. The influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime.

b. Procedure
i. Contractor shall ensure that all non-technical work is reserved for locals (identifiable with the host community and witnessed by host community leadership)

ii. Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.

iii. Contractor liaises with local leadership on enrolment for community workers.

iv. Where there are camp establishments, Contractor shall ensure camp management and community relations need to be very good. If labour camps are required, special management plans need to be developed, or if smaller establishment, camp management reflected in the ESMP.
   • Security within camp
   • Social relations with community members should be cordial and consistent with GBV and SEA
   • Waste management
   • Water and sanitation
   • Proper camp demobilization

v. Establish code of conduct for contract workers interaction with the host community. This may include;
   • Access to camp by children, non-employed girls and women
   • Appropriate language
   • Time restrictions where required
   • GBV/SEA

vi. Contractors should have own supply of, pay for accommodation offered by community to contracted employees.

vii. Contractor shall provide a fully equipped first aid kit.

viii. Contractors to mainstream HIV in the workplace by providing HIV prevention training during induction and continuously during employment through health and safety talks.

ix. Contractor to have, be fully aware of and be ready to implement the Grievance Redress Mechanism since they are the face of UNOPS and the TAs on the ground.

4.7 PROCEDURE FOR PRIMARY SUPPLY WORKERS
Primary Supply Workers are employees of suppliers who on an ongoing basis, provide goods and services to the Project. It is not very clear at the moment whether this category of Project Workers will be applicable, though the suppliers of agricultural inputs and materials for the road works may fall in this category. In the event that the category of applicable, UNOPS will have the oversight on the implementation of the LMP requirements on this category.

a. Objective of the procedure
The objective of the procedure is to ensure that labour related risks to the Project from Primary Supply Workers are managed in line with the requirements of ESS2.

b. Procedure
UNOPS PIU and the applicable TAs will undertake the following measures
i. Procure supplies from legally constituted supplier. The legal registration ensures that the company is legally obliged to comply with all applicable labour laws in Zimbabwe including the Labour Act, which
makes it possible to assume mainstreaming of the labour laws within the supplier’s firm. This will include ensure evidence of

- Certificate of incorporation
- CR 6
- Tax Clearance
- Value Added Tax certificate
- Registration of supplier with regulatory body for the goods or services where required

ii. Make a physical check on the supplier’s labour management system, including parameters in appendix C where applicable, including

- employee contracts
- occupational safety and health
- any past work related environmental or occupational incidents
- workers committee in place

iii. Check products quality certification and environmental rating where required

iv. Undertaking to take back waste for reuse, for example containers and packaging where applicable

v. Possibility for training in safe use of product by community users where applicable

4.8 PROCEDURE FOR COMMUNITY WORKERS

The activities in components 1 and 2 will include the use of community workers in a number of circumstances, such as labor provided by the community in food for work or food for cash in minor road rehabilitation works, irrigation rehabilitation works, rehabilitation of degraded areas and construction of community infrastructure like latrines, schools and water sources. In all these scenarios of community workers, the related occupational risks are perceived as low since they will be using simple tools and light work. Given the nature and objectives of such Project, the application of all requirements of ESS2 may not always be applicable. In all such circumstances, this Procedure provides measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement and if the employment terms and conditions have been fully discussed and agreed.

a. Objective of procedure.

The objective of this procedure is to ensure the Community Workers offer their labour voluntarily and is agreeable to the terms and conditions of employment.

b. Procedure

UNOPS and all TAs will apply the following guidelines when dealing with Community Workers

i. Produce a recruitment plan and have it reviewed and approved by UNOPS PIU

ii. Meet and document resolution of meeting with community meeting on the intended community workers recruitment. The resolution shall include details on

- Nature of work
- Working times
- Age restrictions
- Remuneration amount
- Method of payment
- Timing of payment
- Individual signatory or representative signatory of meeting resolution
- employment is voluntary
- Community CoC

iii. Induct Community workers on key LMP issues, including

- GBV and SEA
- GRM
- Occupational Safety and Health
- HIV and Aids awareness
- Safe use of equipment and lifting techniques
4.9 PROCEDURE FOR ARMED SECURITY PERSONNEL

In accordance with provisions of ESS4: Community Health and Safety, World Bank Guidance Note for Borrowers, Paragraph 24, the management of armed security personnel will consist of creating strict protocols for engagement/exposure to target communities. In part the security personnel will be requested as part of the contract to undergo GBV/SEA training; agree on standard operating procedures for handling incidences of violence within communities and make any reports related to unnecessary exposures. WFP is, however, obliged to ensure the anticipated community and Project Workers safety and security through the implementation of the highlighted mitigation measures among other measures, including and not limited to:

- Effective Contractor Management, including a clear Code of Conduct for security personnel, training of security personnel, accompanied presence, monitoring, reporting and resolving of security related incidents
- Effective Stakeholder Engagement
- Effective Grievance Redress Mechanism
Annexes

A: EMPLOYEE INDUCTION CHECKLIST

As part of induction, all UNOPS and TAs’ Direct Workers will be inducted to ensure clear understanding on the following aspects of the LMP;

x. Key Job Specifications
xi. Terms and Conditions of Employment
xii. Special Codes of Conduct
xiii. Disciplinary Procedures
xiv. Grievance Redress Mechanism
xv. Key ES Aspects of ZIRP
xvi. Key operational ES documents
   • ESMF
   • LMP
   • GBV/SEA and Child Abuse Action Plan and any others
xvii. Emergency Preparedness
B: EMPLOYEE EMPLOYMENT TERMS AND CONDITIONS CHECKLIST FOR ALL EMPLOYERS OF PROJECT WORKERS

The following details will be captured and agreed between the employer and the employee. The information shall be readily available during supervision whether to the World Bank or PIU

1. Name of employers
2. Employee details (Name, Date of Birth, Contact details, Identification Number)
3. Date of employment commencement
4. Basis and payment of wages
5. Frequency of wage payment
6. Method of payment
7. Mandatory deductions
8. Hours of work
9. Job description
10. Probation period
11. Leave entitlements
12. Other benefits (Pension, Transport, Housing, Holiday, Education, Health)
13. Notice period
14. Acknowledgement of voluntary employment
15. Acknowledgement of knowledge of GRM
16. Jointly signed
C. CONTRACTOR MANAGEMENT CHECKLIST

The PIU will use the following checklist to validate the Contractors compliance with the LMP.

1. Evidence of inclusion of ESMF and LMP in bidding document.
2. Understanding of the Contractor’s Obligations from the ESMF and LMP
3. Valid, understood and consented work contracts with employees as highlighted in appendix B.
4. Mainstreaming against forced labour
5. Mainstreaming Gender in the workplace through the Gender Based Violence (GBV) Action Plan
6. Mainstreaming HIV and AIDS in the workplace
7. Mainstreaming GRM
8. Mainstreaming freedom of association and right to collective bargaining
9. Evidence of induction of employees on Contractor’s obligations from ESMF and LMP
10. Appointment of appropriate SHE Representation for the contractor
    • Written appointment
    • Specified SHE function on job description
    • Empowered to advise contractor accordingly
    • Qualified and competent for the job
11. Appropriate documentation, implementation, monitoring and review of SHE System (SHE Commitments, SHE Procedures for key ES Aspects commensurate with scope of work)
12. Inventory and use of appropriate Personal Protective Equipment
13. Emergency plan (Identify emergencies and prepare for mitigation)
14. Safety and health provisions
    • Waste receptacles
    • Water supply
    • Toilet facility
    • hand washing provision
    • secured campsite where applicable
    • Descend accommodation where required
    • Functional first aid kit
15. Applicable legal register
D. AGRICULTURAL AND RELATED INPUTS HANDLING PROCEDURE

Some of the inputs are regulated by the Environmental Management Agency through the Statutory Instrument 10 of 2007 though the inputs do not clearly fall in the hazardous substances category. This procedure applies to agricultural inputs that may be used in component 1.

Contractors shall ensure the following when dealing with the inputs:

1. Only procure inputs that are registered for use in Zimbabwe.
2. Only procure from suppliers that are registered with the Environmental Management Agency (EMA).
3. Only deal with transporters that are licensed by the Environmental Management Agency (EMA) for transportation of such materials.
4. Where there is a need for storage of inputs before distribution, contractor must obtain a license from EMA to store such chemicals.
5. Before distribution of inputs, contractor must induct the recipients on safe storage and use of the inputs. The training can be offered through the agricultural extension officers or the sales persons of suppliers that are on the ground. The training may include and not limited to:
   • Inputs labelling
   • Inputs packaging
   • Inputs application rates
   • Inputs storage
   • Appropriate Personal Protective Equipment
   • Material Safety Data Sheet
   • Safe disposal of containers (Suppliers must make undertaking to collect back the containers for reuse, recycle or safe disposal)
   • Emergence response on inputs related accident