



Government of Malawi

THE MALAWI AGRICULTURE COMMERCIALISATION (AGCOM) PROJECT

ENVIRONMENTAL AND SOCIAL GUIDELINES FOR CONTRACTORS

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LIST OF ACRONYMS

AGCOM	Agricultural Commercialisation
CGRC	Community Grievance Redress Committee
C-ESMP	Contractor's Environmental and Social Management Plan
CIG	Common Interest Group
CoC	Code of Conduct
CP	Child Protection
DGRC	District Grievance Redress Mechanism Committee
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GBV	Gender Based Violence
GoM	Government of Malawi
GRM	Grievance Redress Mechanism
HTC	Health Testing and Counselling
NPGRC	National Project Grievance Redress Committee
VAC	Violence against Children
WBG-EHS	World Bank Group Environmental and Health Guidelines
WGRC	Workers Grievance Redress Committee

1. INTRODUCTION

1.1 Project background

Agricultural Commercialization (AGCOM) is a five year (2018-2023) project funded by the World Bank through an International Development Association (IDA) credit amounting to USD95 million. The Project was approved on 23rd May 2017 and declared effective on 1st June 2018. The Ministry of Agriculture, Irrigation and Water Development (MoAIWD) is implementing the project in collaboration with the Ministry of Industry, Trade and Tourism (MoITT). Other organizations and individuals with stake in this project include contractors, consultants and suppliers. An independent Project Implementation Unit (PIU) coordinates implementation of all activities including environmental and social safeguards.

1.2 Purpose of the Environmental and Social Guidelines

The main aim of the environmental and social guidelines is to prevent and/or mitigate the environmental and social risks associated with infrastructure development activities of the project. These environmental and social risks include but are not limited to poor waste management, pollution of water, air and soil, noise pollution, deforestation, dust emissions, Gender Based Violence (GBV), Violence Against Children (VAC), spread of HIV/AIDS, and occupational health and safety (OHS). The environmental and social guidelines therefore set out rules that all contractors have to understand, observe and adhere to during the course of their work in this project. The rules include environmental and social rules, Codes of Conduct and Grievance Redress Mechanisms (GRM).

1.3 Main users of the Environmental and Social Guidelines

These Environmental and Social Guidelines have been prepared for use by all the contractors who will be engaged to perform AGCOM construction activities. For example, all contractors are expected to provide proper management of construction sites, safe storage of construction materials, and acquisition of construction material from approved sites and safe disposal of wastes. All contractors are also expected to address social issues such as GBV, child labour, OHS and HIV & AIDS.

2. ENVIRONMENTAL AND SOCIAL RULES

This Section explains a number of Environmental and Social Rules to be undertaken by the contractor. All activities are required to be in compliance with the relevant laws of Malawi and the requirements of the applicable World Bank Safeguards Policies. The relevant laws of Malawi include: (i) Malawi Environmental Impact Assessment Guidelines and; (ii) Environmental and Social Management Guideline for the roads sector whilst WB safeguards policies include: (i) Operational Policy 4.01 (Environmental Assessment), (ii) Operational Policy 4:09 (Pest Management), (iii) Operational Policy 4.12 (Involuntary Resettlement) and (iv) the applicable World Bank Group Environmental, Health and Safety Guidelines.

2.1 General Considerations

- a) Before starting any construction activities, the contractor shall present to the respective District Council the following: team members to perform the activities, scope of work, work schedule, type of machinery and equipment to be used, sites chosen to install the equipment, expected community engagement and support required and understanding community expectations and fears from the project, and opening of access roads, where applicable.
- b) The contractor shall, in all activities, ensure maximum protection of the environment and the socio-economic wellbeing of the people affected by the project, whether within or outside the physical boundaries of the project area in line with the requirements of the safeguards instruments.
- c) In general, the contractor shall familiarize himself/herself with the Environmental and Social Management Framework (ESMF) and site specific Environmental and Social Management Plan (ESMP). The contractor shall develop the C-ESMP to outline how he/she is going to address the environmental and social rules identified in the generic ESMP provided by the PIU. Specifically, the contractor shall make every effort to follow and implement the recommendations and mitigation measures of the site specific C-ESMPs, to the satisfaction of the District Councils, Ministry of Agriculture Irrigation and Water Development, and the Environmental Affairs Department (EAD), or any such

persons or agencies appointed to inspect and monitor the environmental and social components of AGCOM.

- d) The contractor shall always keep on site and make available to Environmental Inspection Team or any authorized persons/authorities, copies of the ESMPs and C-ESMP.
- e) Before any construction works begin, the contractor shall ensure that any relevant environmental and land acquisition certificates of authorization for the works have been obtained from relevant institutions.

2.2 Management of construction materials and equipment

Acquisition of Construction Materials

- a) The contractor shall ensure that the production of any construction materials such as sand, quarry stone, soils comply with the laws of Malawi (including the environmental regulations on mining) and the contract conditions (including ESMP requirements).
- b) The contractor shall acquire all construction materials from approved/licensed sources. Preference shall be given to existing sources, new sites shall be considered if no alternative is available.

Movement and Transportation of Construction Materials

The movement and transportation of construction materials to and within the construction sites shall be done in a manner that generates minimum air quality impacts, flying objects risks and safety to road users, learners and the general public. The Contractor shall further prepare a Traffic Management Plan that shall be submitted alongside the bidding documents. This shall contain detailed activities that shall aim at controlling traffic to maintain accident free worksites and also reduce disturbances to classes. Maximum speed of vehicles in all sites shall remain 20km/hour.

Storage of Construction Materials and Equipment

All construction materials and equipment shall be stored in a manner to ensure that:

- a) There is no obstruction of service roads, passages, driveways and footpaths;

- b) Where it is unavoidable to obstruct any of the service paths, the contractor shall provide temporary or alternate by-passes without inconveniencing the flow of traffic or pedestrians;
- c) There is no obstruction of drainage channels and natural water courses;
- d) There is no contamination of surface water or ground water;
- e) There is no access by public or unauthorized persons to materials and equipment storage areas;
- f) Any staff accessing the materials and equipment storage areas shall at all times wear protecting clothing;
- g) The public or unauthorized persons are strictly prohibited from accessing storage areas for hazardous, corrosive or poisonous substances such as asbestos lagging, sludge, chemicals, solvents, oils or their receptacles such as boxes, drums, sacks and bags;
- h) Any staff accessing storage areas for hazardous, corrosive or poisonous substances such as asbestos lagging, sludge, chemicals, solvents, oils or their receptacles such as boxes, drums, sacks and bags is prohibited shall at all times wear protective clothing.

Borrow Pits, Quarries and Stockpiles

- a) The contractor shall use quarries from the licensed suppliers, no unlicensed materials shall be used. Preference shall be given to existing sources, new sites shall be considered if no alternative is available. C-ESMP should provide details on the identified sources to be used during rehabilitation works.
- b) Borrow pits and quarries shall be prohibited in areas where they might interfere with the natural or designed drainage patterns. Where it is inevitable to create a borrow pit, it shall be rehabilitated to its original or near condition.
- c) Where stockpiles are created, they shall be cleared and disposed of properly at the completion of the construction project.

2.3 Management of Construction sites

- a) The Contractor shall ensure that boundaries of the construction site is demarcated prior to commencing any work on the site. It is the responsibility of the contractor to decide on an appropriate system of protective fencing for the site. The site boundary demarcation fence shall be removed when the site is demobilized and fully or almost fully restored to its original state.
- b) The Contractor shall ensure that all the plants, labour and materials are restricted within boundaries of the construction site i.e. construction materials, equipment and labour shall not be found outside the construction site.

2.4 Waste Management

Solid Waste Management

- a) Where possible, the Contractor shall ensure minimize producing waste. Where production of waste is inevitable, the Contractor shall institute a waste management system for the site.
- b) All wastes shall be disposed of offsite at a designated dumping site in consultation with the District Councils. Burning of any waste on any construction site is forbidden.
- c) The Contractor shall supply waste bins throughout the site at locations where construction personnel are working. The bins shall be provided with lids and an external closing mechanism to prevent their contents blowing out and shall be scavenger-proof to keep out other animals that may be attracted to the waste.
- d) The Contractor shall ensure that all personnel deposit all waste in the waste bins for removal by the Contractor.
- e) Bins shall be emptied on a daily basis and waste removed to a temporary storage site where it shall be properly contained in water and windproof containers until disposed of. The bins shall not be used for any purposes other than waste collection.
- f) The contractor shall, in particular, comply with the Waste management regulations and local bye laws for disposal of empty cement bags, construction/demolition wastes, combustion products, dust, metals, rubble and timber.

Wastewater Management

- a) All waste water treatment and discharge shall conform to the applicable regulations set by the relevant Local Authority and Water Development in the Ministry of Agriculture, Irrigation and Water Development.
- b) The Contractor may discharge “clean” silt laden water over land, preferably grass land at the construction site and allow this water to filter into the ground. However, the Contractor shall ensure that this does not cause soil erosion as a result of any over land discharge.
- c) All washing of equipment shall take place within the construction site. Water from washing operations shall be collected in a conservancy tank, removed from the site and disposed of in the manner in conformity with local council rules and regulations.

Safe Disposal of Construction Waste

- a) The Contractor shall develop a Waste Management Plan (WMP) to ensure safe disposal of construction waste. Construction waste includes but is not limited to combustion products, dust, metals, rubble, timber, water, waste water and oil. The construction waste may be in form of solid, liquid and gases and smoke.
- b) In performing the activities, the contractor shall use the best practical means for preventing emissions of noxious or offensive substances into the air, land and water. Every effort shall be made to render any such emissions (if unavoidable) inoffensive and harmless to human beings, animals and the environment.
- c) Asbestos wastes, PCBs and other hazardous wastes shall be treated and disposed of in conformity with the national regulations and where applicable, with the supervision of qualified personnel.
- d) All wastes shall be disposed of in licensed sites. No fly tipping, digging holes and burying shall be allowed around the construction site.

2.5 Occupational Health and Safety of Workers

The contractor shall always observe and adhere to the relevant national safety cardinal rules. This includes the following:

- a) contractor develops and implements a OHS system that identifies risks and works to avoid and minimize potential risks to workers.
- b) All workers shall be regularly sensitized on safety regulations on the site.
- c) The construction shall maintain on the site first aid kits for male and female workers.
- d) Workers shall be provided with clean potable water on the site and safety cooking places
- e) Workers shall be provided with wash rooms and ventilated pit latrines.
- f) The contractor shall provide all necessary Personal Protective Equipment (PPE) for workers exposed to hazardous and dangers work activities.
- g) The OHS manager shall adequately supervise the construction site to ensure adequate compliance on health and safety for workers.
- h) The contractor or contractor's staff has a duty to report (without fear of retribution) conditions or practices that pose a safety hazard or threaten the environment.

2.6 Site management

Dust and Noise Management

The contractor shall ensure that the dust and noise generated from the project activities are being well managed, including mitigating the impacts on the workers and surrounding communities.

2.7 Site Restoration

- a) The Contractor shall ensure that all temporary structures, equipment, materials, and facilities used for construction activities are removed upon completion of the project.
- b) The Contractor shall ensure proper demolition of temporary structures especially toilets to prevent health and safety risk to the public.
- c) Any oil and fuel contaminated soil shall be removed and disposed of in licensed facilities

2.8 Natural Habitats

- a) The contractor shall minimize the cutting down of trees within and beyond the construction site. Where cut down trees is inevitable, the contractor shall seek approval from the Department of Forestry.

- b) The contractor shall not use burnt bricks during construction
- c) The contractor shall promote use of energy efficient stoves for cooking to minimize the volume of firewood to be used.
- d) The contractor shall locate all project facilities (permanent and temporary) in such a way as to avoid or minimize the clearing of natural vegetation.
- e) The contractor shall enforce a strict prohibition on the washing of vehicles or changing of lubricants in waterways or wetlands.
- f) The contractor shall ensure that no operation leads to degradation of water resource systems for both physical and chemical aspects which may affect the aquatic habitat.

2.9 Chance Find Procedures for Physical Cultural Resources

If, during project construction, the contractor or project workers encounter archaeological relics, fossils, human remains, or other items of historical or other cultural value, the contractor shall;

- a) Temporarily suspend any works which might damage these items and
- b) Notify the Client who then notifies the competent authority for instructions or guidance regarding the appropriate next steps to evaluate, salvage, recover, protect, and/or document the items found.

2.10 HIV & AIDS and other Sexually Transmitted Infection (STI)

- a) The contractor shall prepare and adopt an HIV & AIDS Work Place Policy.
- b) The contractor shall sensitize all staff and workers on the HIV & AIDS Work Place Policy and STI prevention
- c) Appropriate IEC materials on HIV & AIDS shall be distributed to all staff and workers. The IEC materials such as posters shall also be displayed on the site and in languages that many can read and understand.
- d) Both male and female condoms shall be distributed to staff and workers on the site.
- e) HIV & AIDS affected staff and workers shall be allowed to access ART services without prejudice (without being rendered absent from work).
- f) Employment of staff and workers shall not discriminate HIV & AIDS affected persons

2.11 Gender based violence (GBV) and Sexual Exploitation and Abuse (SEA)

The Contractor shall sensitize staff and workers on gender, youth and social inclusion objectives of the project, sensitize staff and workers on evils and criminal implications of GBV, sexual exploitation and other forms of sexual harassment.

2.12 Working with communities

Community traffic Safety

Traffic safety shall be promoted by all project personnel at the project site during operation of project equipment and transportation of construction materials within the community. Prevention and control of traffic related injuries and fatalities shall include the adoption of safety measures that are protective of project workers and of road users, including those who are most vulnerable to road traffic accidents such as children. Road safety initiatives proportional to the scope and nature of project activities should include:

- a) emphasize safety aspects among drivers
- b) Install appropriate road signage to direct users
- c) Use of speed control devices (governors) on trucks
- d) regular maintenance of vehicles and use of manufacturer approved parts to minimize potentially serious accidents caused by equipment malfunction or premature failure.

Worker – Community Relationship

The Contractor and workers shall always maintain good relationship with the communities surrounding the construction areas. The following should be observed and enforced at all time:

- a) Respecting cultural diversity and the livelihoods of local communities;
- b) Respecting the sites of worship, religious symbols, cemeteries, and other Social emblems,
- c) Respecting the hours of silence and access restrictions, according to the traditions of local communities and engage community when diverting from the norm,
- d) Not engaging child labour at construction sites, child exploitation including sexual abuse. This also include avoiding purchase of products sold by persons who are younger than the statutory minimum age.
- e) Respecting local peoples, including women, and avoiding disrupting marriages.

2 CODE OF CONDUCT

The main aim of the AGCOM Code of Conduct is to prevent and/or mitigate the social risks in all infrastructure development interventions. Social risks in a project are many but this Code of Conduct is very particular to Child labour, GBV, HIV & AIDS, and occupational health and safety. The Contractor shall therefore adapt/adopt the AGCOM Code of Conduct at the onset of the project, and also ensure that all contractor staff and workers are aware of and understand the Code of Conduct. In particular, the following three aspects of the AGCOM Codes of Conduct (CoC) have to be observed and adhered to at all time:

- a) Contractors Code of Conduct: Contractors Code of Conduct commits the contractor to addressing issues of GBV, Sexual Harassment and Violence Against Children (VAC) and other relevant social issues;
- b) Construction Site Supervisors Code of Conduct: This commits construction site managers and supervisors to implementing the Contractors Code of Conduct, as well as Code of Conduct signed by individual staff and workers; and,
- c) Workers Code of Conduct: This Code of Conduct commits individual staff and workers working on AGCOM funded projects to conducting themselves in manners as stipulated in the AGCOM Code of Conduct.

Details of the three Codes of Conduct are provided in Annex 1a (Contractors Code of Conduct), Annex 1b (Construction Site Supervisors Code of Conduct) and Annex 1c (Workers Code of Conduct). This CoC will contain obligations on all project staff (including sub-contractors and day workers).

3 GRIEVANCE REDRESS MECHANISM

4.1 Objectives of the GRM

In order to effectively address grievances, disputes, conflicts, and feedback that may arise in the course of implementing this Project, AGCOM PIU in collaboration with implementing partners and stakeholders has developed a Grievance Redress Mechanism (GRM). This GRM acts as

recourse for situations in which some stakeholders may be aggrieved by the project activities and impacts. The GRM is specifically aimed at attaining the following:

- a) Identifying grievances related to the implementation of AGCOM project;
- b) Ensuring the grievances, disputes or conflicts arising from implementation of this project are treated separately and as matter of priority;
- c) Ensuring that project implementation timelines and overall schedules are not compromised due to delays in resolving the grievances, disputes or conflicts;
- d) Cutting down on lengthy and expensive alternative litigation that project affected persons (PAPs) might otherwise have to resort to.
- e) Providing a system through which stakeholders can provide feedback on the operations and impacts of the project.

4.2 Implementation structure/arrangement

The GRM will be implemented through four inter-linked committees, which are National Project Grievances Redress Committee (NPGRC), District Grievances Redress Committees (DGRCs), Community Grievances Redress Committees (CGRCs) and Workers Grievances Redress Committees (WGRCs).

- For land related grievances, stakeholders in this project shall be encouraged to use existing Land Tribunals established under the Customary Land Act (CLA) of Malawi. The established GRM structure to handle land related grievances involves Land Tribunals which are at Group Village Head, Traditional Authority (TA), District, and National levels. No civil works should start if there is any requirement for land take or destruction/relocation of structures or crops under the project, until compensation has been paid.

It is also emphasized that this GRM is meant to complement, and not to replace or substitute for, formal justice systems. Whilst stakeholders are encouraged to use this GRM as the first point of seeking justice, aggrieved parties can also approach formal courts or report to police and Ant-Corruption Bureau, Office of the Ombudsman without necessarily going through the Grievances Redress Committees established under this GRM. In particular, grievances of criminal nature such as corruption, coercion, theft, rape, gender-based violence or systematic violations of rights and/or policies committed within the perimeters of the AGCOM project may warrant direct redress

through the courts, ACB, Police and other administrative law procedures. Workers grievances can be re-directed to Workers Unions and Labour Offices, as applicable.

4.3 Methods for channeling grievances and feedback

Notwithstanding the presence of the three Grievances Redress Committees named above, aggrieved parties, stakeholders and the general public can lodge grievances and feedback related to the implementation of the AGCOM Project through the following:

- i) By **Phone** using the following TOLL-FREE NUMBER **2478**
- ii) By Email to the following Address: agcom.grm@gmail.com
- iii) By **Post Office** to the following address:

The National Project Coordinator
The Agricultural Commercialization (AGCOM) Project
First Floor Old Tobacco Commission Office Building
P.O. Box 30134, Lilongwe 3, Malawi
Attention: Social Safeguards Specialist

- iv) **In Person** by visiting AGCOM Project Offices located within Tobacco Commission office premises at Kanengo in Lilongwe (First Floor Old Tobacco Commission Office Building).
- v) **By accessing** the World Bank Grievance Redress System (GRS) by email: malawialert@worldbank.org
- vi) **Anonymous** complaints can be filed anonymously, particularly in cases of sexual harassment and child abuse

CGRM Sensitization and awareness

PIU working with District Councils will conduct public and community awareness of the GRM. All contractors working on AGCOM projects shall therefore be sensitized on the GRM processes and copies of the GRM document will be made available to them for their use and awareness to the staff, workers and in their project sites.

ANNEXES

Annex 1a: Contractors Code of Conduct

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

1. GBV or VAC constitutes acts of gross misconduct and are therefore grounds for sanctions, penalties and/or termination of employment and/or contract. All forms of Social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker's camps of those who commit GBV or VAC will be pursued.
2. Treat women, children (persons under the age of 18) and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.
3. Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
4. Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defence.
5. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
6. Sexual interactions between contractor's employees and communities surrounding the work place that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
7. Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she shall report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistle-blowers.
8. All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.

9. All employees shall attend a mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks Code of Conduct.
10. The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.
11. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that:-
 - Is unlikely to be viewed as offensive, revealing, or sexually provocative.
 - Does not distract, cause embarrassment or give rise to misunderstanding
 - Is absent of any political or otherwise contentious slogans
 - Is not considered to be discriminatory and is culturally sensitive
12. The Company shall ensure provision of financial resources and trainings to prevent spread of HIV/AIDS.
13. The company shall comply with the national, international labour laws and all applicable laws.
14. All contractors shall ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.
15. The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities
16. Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks
17. Contractor should provide hoarding around the construction site

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

FOR THE CONTRACTOR

Signed by: _____

Signature: _____

Title: _____

Date: _____

Annex 1b: Construction Site Supervisor Code of Conduct

Site Supervisors at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Construction site supervisor must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment.

Construction Site Supervisor responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance to child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers committee to oversee issues of workers misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV/AIDS issues, provided with condoms and HTC services;
10. Ensure that fundamental workers' rights (e.g. working hours, minimum wages, etc) are protected;
11. Ensure that possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment; and

14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities.

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

Signed by: _____

Signature: _____

Date: _____

FOR THE EMPLOYER

Signed by: _____

Signature: _____

Date: _____

Annex 1c: Workers Code of Conduct

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

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

1. Consent to security background check;
2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the work place, worker’s camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered “non-consensual” within the scope of this Code;
7. Attend trainings related to HIV/AIDS, GBV, CAE, occupational health and any other relevant courses on safety as requested by my employer;

8. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
9. With regard to persons under the age of 18
 - Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
 - Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
 - Refrain from physical punishment or discipline of children.
 - Refrain from hiring children for domestic or other labour, which is inappropriate given their age, or ^{[[]]}developmental stage, which interferes with their time available for education and recreational ^{[[]]}activities, or which places them at significant risk of injury.
 - Comply with all relevant local legislation, including labour laws in relation to child labour.
10. Refrain from any form of theft for assets and facilities including from surrounding communities.
11. Remain in designated working area during working hours;
12. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during working hours;
13. Wear mandatory PPE at all times during work;
14. Follow prescribed environmental occupation health and safety standards;
15. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as misconduct or breach this code of conduct.

I acknowledge that I have read and understand this Code of Conduct, and the implications have been explained with regard to sanctions on-going employment should I not comply.

Signed by: _____

Signature: _____

Date: _____

FOR THE EMPLOYER

Signed by: _____

Signature: _____

Date: _____

Annex 2. AGCOM Grievance Log & Resolution Form

PART A. GRIEVANCE/FEEDBACK LOG IN

No	Grievance No.	
1	GRM level (select as appropriate)	1. Community Grievance Redress Committee (CGRC) 2. District Grievance Redress Committee (DGRC) 3. National Project Grievance Redress Committee (NPGRC) 4. Workers Grievance Redress Committee (WGRC)
2	Name of the GRC (Name as appropriate)	
3	Person Recording Grievance/Feedback	
3.1	Name of Person	
3.2	Position in GRC	
3.3	Phone Number	
3	Person reporting grievance/feedback	
3.1	Name of Person	
3.2	Aggrieved or Representative?	
3.3	Role in AGCOM Activities	
3.4	Phone Number	
4.	Details of Grievance/Feedback	
5	Has the Grievance/Feedback been reported elsewhere? If yes, give details?	
6	Has the Grievance/Feedback been referred from elsewhere? If Yes, give details	
7	Initial Assessment of the Case	1. Accepted and to be handled by GRC 2. Referred to Land Tribunals 3. Referred to police/Court, others 4. Rejected, lacks credibility/substance
8	Signatures	
8.1	Signature of Person Recording/CRC	
8.2	Signature of Person Reporting	
9	Name & Signature of Witness	
9.1	For Aggrieved party	
9.2	For 'Accused' party	
10	Dated Grievance/Feedback recorded	

PART B: ASSESSMENT, RESPONSE AND CLOSURE

No	Grievance No.	
10	Composition of CRC Assessing the 'Case'	
	Name of GRC Member	Position in the GRC
11	Case Assessment Approach (Specify as appropriate)	<ol style="list-style-type: none"> 1. GRC Meeting 2. GRC confirmation visits 3. Hearing with the Accuser/Aggrieved party 4. Full hearing with Accuser & Accused party 5. Other (Specify)
12	Details of GRC Response/Resolution	
13	Response/Resolution Decision	<ol style="list-style-type: none"> 1. Case resolved, closed 2. Case referral (Specify)
14	Signatures	
14.1	GRC Chair/Representative	
14.2	Aggrieved person/Representative	
14.3	Accused person/Representative	
15	Name & Signature of Witness	
15.1	For Aggrieved party	
15.2	For 'Accused' party	
16	Date of Response/Resolution	

Annex 3: Definitions and Terms

1. Gender-Based Violence (GBV). This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) based on gender on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.
2. Violence against Children (VAC) and Child Labour. This may be defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.
3. Child Protection (CP). An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.
4. Child. The word is used interchangeably with the term ‘minor’ and, in accordance with the United Nations United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.
5. Grooming. This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
6. Online Grooming. This is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.
7. Survivor/Survivors. This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.
8. Perpetrator. This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.
9. Work site. This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the SDP, funded by the World Bank.
10. Work site surroundings. These are defined as the ‘Project Area of Influence’ which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometres’ radius from the work site and/or worker’s camps, including all human settlements found on it.

11. **Consent.** This word is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual's agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.
12. **Contractor.** This is defined as any firm, company, organisation or other institution that has been awarded a contract to conduct infrastructure development works in the context of the SDP and has hired managers and/or employees to conduct this work.
13. **Manager.** The word is used interchangeably with the term 'supervisor' and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
14. **Worker/employee.** This is defined as any individual offering labour to the contractor on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
15. **Grievance Redress Mechanism (GRM).** The process established by the AGCOM to resolve grievances and provide feedback of the project implementation.
16. **Accountability Measures.** This is defined as the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of GBV, VAC, and child labour.
17. **Workers Grievance Redress Committee (WGRC).** A Committee established by the Contractor to address grievances and other relevant issues with the work force.