



**Government of Malawi**

**Ministry of Agriculture**

**MALAWI FOOD SYSTEMS RESILIENCE  
PROJECT (P177816) AND THE ADDITIONAL  
FINANCING (P181652)**

**UPDATED**

**Labour Management Plan**

**Ministry of Agriculture**

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**MALAWI**

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# **Chapter One: Project Background**

## **1.1. Introduction**

The Ministry of Agriculture (MoA) is implementing the Malawi Food Systems Resilience Program (MFSRP-P177816). This is a six-year project supported by the World Bank through the International Development Association (IDA), Global Agriculture and Food Security Program (GAFSP) and Multi-Donor Trust Fund (MDTF). The MFSRP, also referred to as AGCOM 2, is part of the World Bank's regional program with a Multiphase Programmatic Approach (MPA).

Currently, MoA has proposed an Additional Financing (AF) to increase the resilience of food systems and the country's preparedness for food insecurity in project areas and, in case of an eligible crisis or emergency, to respond promptly and effectively. The AF is not bringing new activities rather, it will scale up existing activities and the number of beneficiaries within the same geographical areas; and enhance the existing digital agriculture system including a new payment system for the agriculture input subsidy (AIP). Similarly, the AF will have project interventions which will involve the employment of people of various skill categories. This has triggered the project to update the Labour Management Plan (LMP). This plan will therefore be used for both the parent project (P177816) and the MFSRP-AF (P181652).

Both projects will be financed by the World Bank which requires that the project should have a Labour Management Plan. The LMP sets out the project's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework (ESS) specifically; Environmental and Social Standards 1: Assessment and Management of Environmental and Social Risks and Impacts, Environmental and Social Standard 2: Labour and Working Conditions (ESS2), Standard 4: Community Health and Safety (ESS4) and Standard 10 on stakeholder engagement.

The Labour Management Plan (LMP) complements the Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF), Stakeholder Engagement Plan (SEP), and Grievance Redress Mechanisms (GRM) amongst other safeguards instruments. It provides in detail the procedures for addressing labour related issues that have been identified in the ESMF. The LMP has also been developed in line with international best practices applied to projects to address labour related issues that may arise during the implementation of the project. LMP shall apply whenever there is an employment relationship between an employer and a worker. The relationship exists when a person performs work or provides services under certain conditions in return for remuneration.

## **1.2 Objectives of the Labour Management Plan**

The main objective of the LMP is to reduce the risks associated with Labour issues on the project and at the same time enhance the positive impacts of the project on labour related issues. MFSRP-AF will have a number of labour related adverse impacts which are related to: labour exploitation; child labour; forced labour; labour influx; gender based violence (GBV); sexual exploitation; sexual harassment; trafficking in persons (TIP); the spread of HIV and AIDS; delayed wages; community health and safety; unnecessary use of migrant workers and

occupational health and safety issues such as failure of contractors to provide appropriate PPE to their workers and workers' failure to adhere to mandatory use of PPE. The labour management plan has been prepared to:

- promote safety, health and welfare of people at work places;
- prevent any cases related to trafficking in persons (TIP);
- prevent any form of child labour issues;
- promote community health and safety in areas surrounding work places;
- promote appropriate labour practices which include non-discrimination and equal employment opportunity to all eligible community members;
- protect workers, including vulnerable workers such as women, persons with disabilities, migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- prevent all forms of gender-related abuses such as sexual harassment, sexual exploitation and abuse, and violence at the project sites;
- prevent the use of all forms of forced labour and child labour;
- support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace grievances.

### **1.3 Methodology**

Development of the LMP used different approaches to ensure that it has comprehensive information. Firstly, the process involved a review of applicable legislation and other secondary literature, consultation (public participation), carrying out baseline labour surveys, and report development.

#### ***1.3.1 Literature Review***

This involved review of the relevant project documents, Social Economic Profile for project districts, other labour management plans for World Bank-funded projects and international labour requirements including the World Bank's Environmental and Social Standards 1: Assessment and Assessment and Management of Environmental and Social Risks and Impacts, Environmental and Social Standard 2: Labour and Working Conditions (ESS2), Standard 4: Community Health and Safety (ESS4) and Standard 10 on stakeholder engagement. Additionally, some selected national documents, policies, and pieces of legislation were reviewed, namely: the Workers Compensation Act (2000); Occupational Safety, Health and Welfare Act (1997); Employment Act (2000); Labour Relations Act (1996); Gender Equality Act (2013); HIV&AIDS Policy; National Gender Policy (2015); Malawi National HIV and AIDS Policy (2003); among other pieces of relevant legislation and policies.

#### ***1.3.2 Public Consultations***

The process of developing the LMP requires the full participation of key stakeholders who are likely to be affected by labour issues on the project. The stakeholder and public consultation were undertaken by aiming at ensuring the quality, comprehensiveness, and effectiveness of the LMP development for the proposed MFSRP and the AF Project in Malawi. This was also

conducted to ensure that interested and affected parties' views and concerns are considered. The approaches used were conducting meetings with key national and district stakeholders as well as farmer organisations (beneficiaries) representatives of the MFSRP Project.

The consultants organised consultation meetings soliciting public opinions from districts and communities in which Phase 1 of the AGCOM Project was implemented (Table 1-1) especially in construction related subprojects where contractors were engaged. The consultant team also held interviews and meetings with officials from government ministries, departments, and agencies that were involved in the monitoring to ensure compliance in rebour related issues by the contractors during implementation.

**Table 1-1: Stakeholders consulted**

<b>Stakeholder</b>	<b>Justification</b>
<b>Project Proponent</b> – Ministry of Agriculture	As a client for the project is responsible for hiring of contractors to undertake works as required by the project.
Ministries, departments, and agencies	As those supporting project planning, implementation monitoring and evaluation.
District councils	As development custodians responsible for facilitating and monitoring the implementation of the projects as well as enforcing safeguards compliance at project sites for Phase 1 of the AGCOM Project.
District grievance redress committees from each district of AGCOM Project implementation	As a district-level arm, responsible for receiving and addressing grievances reported from the community/workersgrievance redress committee regarding the MFSRP Project, including further reporting to the national grievance redress committee where district-level resolution was not possible.
Farmer organisations/cooperatives	As direct project beneficiaries and also as an entity who hosts the recruited workers/contractors.
Workers grievances redress committees	As a community entity responsible for receiving and addressing labour related grievances arising from MFSRP project implementation

District consultations involved conducting round-table meetings and key informant interviews with the council structures and/or authorities such as the District Environment sub-committees, and district grievance redress committees (DGRCs). The issues discussed and information gathered include the following:

- Anticipated environmental and social risks and management under MFSRP and the AF, suggested mitigation or management measures, roles of district sectors in addressing these impacts and how the council can be empowered.
- Labour management procedures under MFSRP and the AF regarding types of workers to be engaged at the district level, child and forced labour, issues of utilising community workers, recruitment issues and challenges including PPE availability.

- Grievance redress mechanisms for the existence and effectiveness of the district’s MFSRP committee, grievances receipt or recording and resolutions, uptake locations, timelines for handling the grievances, including flaws and challenges of the district GRM process.

Members from different district council committees made their different and unique contributions concerning the guide. The summary of aggregated issues submitted by councils has been presented in *Table 1-2*.

**Table 1-2: Key issues from district consultations**

<b>Guiding Question</b>	<b>Opinion and questions</b>	<b>Response Provided</b>
Anticipated environmental and social risks and management under MFSRP and the AF; suggested mitigation/management measures	GBV and child labour, land issues, HIV/AIDS and Covid-19, dust pollution, catchment degradation, labour-related issues and accidents.	Suggested enhancement or mitigation measures are issue-specific but modes to ensure those are though sensitisation/awareness and trainings, empowering WGRCs and DGRCs, financing monitoring and effective stakeholder engagement.
Labour management procedures under MFSRP and the AF	Child labour and forced labour issues that can be experienced during MFSRP and the AF implementation e.g. sending school-going children to sell merchandise at the project sites during school time and forcing school-going children under 18 years to participate in work on behalf of their parents can be addressed through sensitisations.	The project will sensitise communities about child labour, and this will be done with support from the District Labour Office which is conversant with child labour issues in the districts.
	If non- paid community workers will be engaged, there must be clear agreements with the contractor to avoid conflicts	A labour management plan (LMP) will be prepared that will identify community workers.
Grievance redress mechanisms and effectiveness	Districts have several project-specific Grievance redress committees and are not harmonized into one. It is therefore difficult for the district	MFSRP and the AF will train and support the GRCs with financial resources so that they perform their tasks more effectively.



<b>Guiding Question</b>	<b>Opinion and questions</b>	<b>Response Provided</b>
	council to make these committees accountable.	
	Membership of DGRC is available but they do not meet regularly due to Coordination problems	
	Need to utilize already existing DGRC than formulating project-specific DGRC	

Producer organizations/ Cooperatives, MFSRP Project Implementation Unit and CERC projects beneficiaries, were also consulted in all the selected districts where district-level consultations were conducted. These were beneficiaries who have closely worked with hired contractors to construct warehouses or rehabilitate roads, bridges and irrigation schemes. This was done to assess their attitudes towards the AGCOM project activities being implemented in their areas and/or by them. The consultant received feedback from the sampled producer organizations and CERC project beneficiaries through a formal participatory consultation process, so that they can raise their views, concerns and areas that need improvements in the upcoming project(s). The community was also made aware of the proposed MFSRP and the AF. Project. The sampled producer organizations and CERC projects consulted in each of the selected districts and the questions, views, and suggestions made are summarized in Table 1-3.

**Table 1-3: Key issues from stakeholder consultations**

<b>Guiding Question</b>	<b>Opinion and questions</b>	<b>Response Provided</b>
Anticipated negative environmental impacts of the project	Noise from construction equipment such as rollers and vibrators causing disturbance to local communities	Contractors shall provide PPE (ear muffers) to workers handling noisy machinery and also limit working workers to day time (08:00hrs-16:00hrs)
	Dust emissions from construction activities,	The project will promote the use of water sprays to prevent dust generation from earth works.
Potential Social negative impacts of the project	Risk of accidents/injuries for workers during construction activities at the project site.	The projects will have rules for contractors which specify occupational safety and health for the workers but also protect the communities.

Guiding Question	Opinion and questions	Response Provided
	Disruptions of marriages.	The project will continuously sensitise the POs and other stakeholders on the prevention of marriages. A code of conduct for workers will also be put in place with clearly laid up punishments for disturbing marriages.
	<p>Child labour and breaking of other labour laws.</p> <p>Increased cases of labour related issues such as delayed payments, poor working conditions etc</p> <p>Increased levels of Gender Based Violence, SEA/SH at the construction sites</p>	<p>The project will sensitise communities about child labour and this will be done with support from the District Labour Office which is conversant with child labour issues in the districts.</p> <p>The project will facilitate establishment of workers Grievance Redress committees, sensitize community on the existence of the WGRM</p> <p>The project will facilitate community sensitization meetings on the dangers of GBV (refer to GBV plan), SH/SEA</p> <p>Workers Grievance Redress committees will also be equipped to manage GBV, SEA/SH issues at work place, sensitize community on the existence of the GRM</p>

### 1.3 Disclosure

This labour management plan will be disclosed to all stakeholders. The disclosure will be done after the plan has been cleared by the Government of Malawi and the World Bank. The project will use multiple methods to disclose the LMP in a manner that is commensurate with the nature of the identified stakeholders. For community-level stakeholders and project workers, the LMP will mostly be disclosed through public meetings organized within the communities and work sites.

At the national and district level, disclosure of the LMP will be done through meetings with the representatives and members of relevant MDAs and committees. The project documents will also be accessible to stakeholders through print and electronic media and in designated places within reach of stakeholders. The documents will also be disclosed on the Ministry of Agriculture's website as soon as approval is granted. The World Bank will also disclose the documents on its website.

## Chapter Two: Project Description

The proposed Additional Financing (AF) will support the Food Systems Resilience Program for East and Southern Africa- Phase 3 to Republic of Malawi, by increasing the resilience of food systems and the country's preparedness for food insecurity in project areas and, in case of an eligible crisis or emergency, to respond promptly and effectively to it. The AF will serve three purposes namely, to (i) restructure the project to retroactively reflect the reallocation of US\$16 million of budgeted project funds to the CERC; (ii) scale up existing project activities, thereby expanding the number of beneficiary households and stakeholders and strengthening National Agricultural Management Information Systems (NAMIS); and (iii) undertake efforts relating specifically to the government's possible reform of the AIP. In relation to AIP reform, the AF will support the design and implementation of pilot initiatives that will test different ways of repurposing AIP funds in ways that improve public spending efficiency and align agricultural stakeholders' incentives with the aim of moving toward food systems resilience and sustainability.

Like the umbrella Food Systems Resilience Program of which it is a part, the Malawi FSRP has six components, all of which are under implementation.

### ***Component 1: (Re-)Building Resilient Agricultural Production Capacity US\$31.04 million)***

This component will focus on developing and delivering national and regional information systems and agricultural technologies and services serving smallholder farmers and other agri-food system stakeholders. Three clusters of activities are considered: (a) agricultural research, development, and innovation systems; (b) the development and upgrading of digital platforms; and (c) land demarcation and registration of farmland in the project area.

#### *Subcomponent 1.1: Agricultural Research, Development, and Innovation Systems*

This subcomponent will support research activities that fill knowledge gaps relating to the productivity and resilience of both food and high-value commercial crops and livestock. The research will include agri-food innovation systems, emerging market niches, value chain demand, and diagnostic studies that identify the catalytic investments for strategic planning and policy reforms. It will build on and add value to the contributions of APPSA and ASWAp-SP II and strengthen the regional collaborations built with SADC and COMESA. The MFSRP will support data collection and other efforts to enable the sharing of knowledge and skills through the development of collaborative multi-stakeholder platforms and processes, as well as better-informed national and regional policymaking.

#### *Subcomponent 1.2: Digital Agriculture*

This subcomponent will promote digital agriculture and key activities include: (a) upgrading and upscaling rolling out of the National Agricultural Management Information System (NAMIS) developed under ASWAp-SPII, with a focus on the enhancement of the Market information system which is very crucial for commercialization; (b) automating the cooperative registry; (c) establishing a virtual one-stop service centre for agricultural investment and trade; (d) scaling up the decentralized meteorological information system; (f) scaling up the Land

Management Information System developed under AGCOM 1; and (g) developing a sanitary, phytosanitary and food safety digital system. In addition, the feasibility of the introduction and contribution of regional data networks and cross-border information sharing will be assessed.

*Subcomponent 1.3: Land Demarcation and Property Registration*

The MFSRP will scale up and sustain the adjudication, demarcation, and registration of 110,000 land parcels. Producer organizations (POs) are expected to directly benefit from this activity.

***Component 2: Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes (US\$ 86 million)***

In alignment with Malawi’s National Irrigation Policy and Master Plan, this component will finance the construction of large-to-medium-scale irrigation schemes and technical assistance for the management of their catchment areas. The component will adopt a watershed or landscape approach to enhance the sustainable and resilient use of natural resources for food systems and livelihoods within priority areas.

*Subcomponent 2.1. Large-to-Medium Scale Irrigation Schemes and Catchment Management*

This subcomponent will develop a catalytic irrigation infrastructure selected for its potential to enhance climate resilience, private investment flows, access to markets, and value addition. Malawi’s Irrigation Master Plan and Investment Framework 2016–2035 (IMPIF) highlight the need to invest in water storage to enable agricultural sector development in the context of the changing climate, increasingly erratic rainfall patterns, and the utilization of dry season river flows reaching their maximum. Investments in water storage are expected to have a positive effect on the regulation of water empower flows and combined with improved catchment management, reduce river floods. The MFSRP specifically aims to develop six gravity-fed irrigation schemes (covering about 4,926 hectares [ha]) that were pre-identified in the IMPIF (Table 2.1).<sup>1</sup>

**Table 2.1: Priority Irrigation Development Projects identified by the IMPIF**

Name		District	Headwork	Area, ha	Estimated costs (US\$ million)
1	Bwanje valley	Dedza (center)	Weir	1,400	30.0
2	Lembani	Ntcheu (center)	Weir	1,224	15.4
3	Mwenilondo	Karonga (north)	Dam	575	21.9
4	Dwambazi	Nkhotakota	Weir	645	6.6
5	Mpamba	Nkhatabay (north)	Dam/weir	798	16.8
6	Lupenga	Mzimba (north)	Dam	284	11.5
<b>Total:</b>				<b>4,926</b>	<b>102.2</b>

<sup>1</sup> Criteria used in selecting them include their size and anticipated production levels (to align with the commercialization agenda), unit cost of development, vulnerability to climate change, geographical/ regional spread/significance, and potential to enhance agrifood system resilience.

### *Subcomponent 2.2. Institutional Capacity Building for Irrigation Schemes (IDA grant):*

This subcomponent will develop and strengthen irrigation institutions including water user associations (WUAs) to help ensure the sustainability of project-rehabilitated infrastructure and promote water-use efficiency. It will strengthen the capacity of irrigation service providers responsible for the management and maintenance of irrigation infrastructure and water delivery to end-users by funding technical assistance, goods, works, and training. It will also coordinate efforts to strengthen institutions, build their capacity, review, and update relevant policies and strategies, consolidate various working manuals and guidelines, and offer WUAs refresher training and needed technical assistance.

### **2.2.3 Component 3: Getting to Market (US\$ 146 million)**

Component 3 aims to improve physical and economic access to sufficient, safe, and nutritious food by improving agri-food producers' access to domestic and international markets and enhancing marketing infrastructure. It will do this by supporting POs, Productive Alliances (PAs)<sup>2</sup>, "last-mile" infrastructure and strategic public infrastructure.

#### *Subcomponent 3.1. Farmer Organizations*

The subcomponent will carry forward AGCOM efforts to support the capacity of POs to join and gainfully participate in project-supported PAs. It will do this by providing POs with services such as matching grants, training, advisory services, market linkages, and other learning opportunities, with a focus on developing their knowledge and competencies to engage in value addition, marketing, and business management activities. It will also help POs form or join secondary or union cooperatives,<sup>3</sup> and organize national and international study tours. Relevant government institutions and departments will work with farmers and agro-enterprises to build capacity at all points along the value chain, as well as foster and strengthen linkages between value chain actors and broker contracts. More grant funding opportunities will be available to POs with larger shares of women and youth.

#### *Subcomponent 3.2. Productive Alliances (PAs)*

This subcomponent will support further investments in 200 existing PAs and investments and the development of 360 new PAs.<sup>4</sup> PAs enhance the commercialization of agricultural products

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<sup>2</sup> To enhance the commercialization aspect, POs are linked to off-takers (buyers) through a concept known as a PA (PA). Through the PA arrangement, a PO can access project resources such as Matching Grants to help invest in capital items (e.g., construction of warehouses, procurement of modern processing equipment, dairy cows, or transportation trucks, etc.) in order to enhance production and productivity

<sup>3</sup> The experience of AGCOM 1 reveals that certain value chains such as soya need larger scales for the organizations to endure cycles of low commodity prices. AGCOM 1-supported cooperatives, with an average of 300 members and a maximum aggregated volume of 400 tons per year, are still too small. The same logic is valid for organizations with the potential of exporting their products. To attract the interest of purchasers abroad they need to increase their volumes.

<sup>4</sup> AGCOM 1 has contributed to diversifying the agricultural sector by promoting sales in 27 value chains, including dairy, soya, rice, tea, and honey.

by linking POs to Off-takers (buyers). The MFSRP will provide matching grants, privileging climate-smart and resilience-enhancing investments. The MFSRP will continue to apply and improve the rules put into practice under AGCOM effectively, including those relating to beneficiary matching contributions and grant ceilings. The MFSRP will introduce two new windows of matching grants in addition to those created under AGCOM. The two new windows are (i) a second round of matching grants to successful producer organizations supported by AGCOM 1 looking to further their investments including value addition and inclusion of climate-smart agriculture, and (ii) matching grants for off-takers that are working with Producer Organizations (POs).

### *Subcomponent 3.3. Last-Mile Infrastructure*

The project will continue to support public infrastructure investments to PAs awarded with matching grants. Investments to be supported through this subcomponent include (a) the development and rehabilitation of small-scale irrigation infrastructure benefiting POs in PAs to accelerate diversification, productivity, and commercialization of agricultural products; (b) the construction and rehabilitation of feeder roads and bridges that connect PAs to markets; (c) electricity infrastructure; and (d) water infrastructure that enables access to clean water and value addition activities.

### *Subcomponent 3.4. Strategic Public Facilities*

Subcomponent 3.4 will construct, rehabilitate, and upgrade strategic public facilities. A preliminary set of investments includes, among others, Malawi Bureau of Standards (MBS) laboratory in the central region; national agricultural exhibition centre; agricultural residential training centres; a central veterinary laboratory and regional laboratories; facilities needed for decentralized land registration in selected districts; trade facilitation infrastructure; and stud-breeding infrastructure.

## **2.2.4 Component 4: Promoting a Greater Focus on Food Systems Resilience in National and Regional Policymaking (US\$ 12.0 million)**

This component will promote policy and legal reforms relating to agricultural commercialization and climate resilience by building the government's institutional and technical capacity to develop, update, and implement relevant policies and legal instruments.

Some of the regulatory documents to be prepared or updated include the national crop production and development policy, the agricultural research policy, the horticulture strategy, the contract farming policy, the livestock breeding strategy, the apiculture strategy the agricultural diversification strategy, and the e-commerce strategy. The project will also assist the MoA in revising Malawi's National Agricultural Investment Plan (NAIP) 2018–2023 to better align it with Malawi 2063 and National Agricultural Policy (NAP) 2023; support legal reforms needed to improve the national warehouse receipts system and develop structured markets; help the government explore opportunities to harmonize its policies and legal frameworks with those of regional peers.

### ***2.2.5 Component 5: Project Management (US\$ 20 million)***

**This component will support project management, coordination, monitoring and evaluation (M&E) of project activities.** The Project Implementation Unit (PIU) within the MoA will be responsible for project implementation including fiduciary aspects; knowledge management/communication; grievance redress mechanism (GRM); citizen engagement; and monitoring the implementation of safeguard-related measures. The component will finance PIU staff-related costs (training etc.), goods, equipment and vehicles, and other eligible expenses associated with overall project implementation. Support will also be provided for social/results/impact surveys at project mid-term as well as project completion. The capacity of the PIU will be enhanced by hiring additional technical and administrative staff as needed inter alia, irrigation engineer, Assistant Agri-business/MSME value chain expert, Assistant Procurement and Financial Specialist to enhance fiduciary management.

### ***2.2.6 Component 6: Contingent Emergency Response Component (US\$ 0 million)***

This component will finance eligible expenditures in the event of an emergency precipitated by a natural disaster. The activation of CERC which is by request of the government, will allow funds to be disbursed rapidly to reduce damage to productive infrastructure, ensure business continuity, and speed up recovery. In the event of CERC activation, funds from other project components may be reallocated to finance immediate response activities as needed.

The AF will bring about positive benefits such as increasing rural employment opportunities and improving rural livelihoods through improved agricultural productivity. Its positive environmental outcomes include resilient and sustainable water supply for productive food system and water and soil moisture conservation and soil health investments.

AF activities have potential to lead to land acquisition and possibly result in loss of livelihoods, however, physical displacement is not anticipated. Support to Agricultural infrastructure investments, irrigation schemes, water points, market infrastructure, and small feeder roads pose E&S risks and impacts associated with project activities have been identified as the following: risks associated with land acquisition, poor labor conditions and child labor, OHS, waste generation, hazardous material management, noise and vibration, wastewater discharges and air quality as well as community H&S including transmission of communicable diseases, such as HIV/AIDS, COVID 19, etc., sexual exploitation and abuse (SEA) and sexual harassment (SH) and other forms of gender-based violence (GBV).

Other potential social risks could be related to: operational concerns due to remoteness and insecurity, including monitoring and supervising social and environmental risks including grievance management; security issues in some of the project countries that may require the use of security services; and weak implementation capacity especially at grassroots level with limited functional structure and trained manpower.

Other risks and impacts include those associated with the operational phase of these improvements/new construction/rehabilitation as well as with the subprojects of the matching

grant program: beneficiary selection, child and forced labor, poor labor conditions, occupational health and safety, water and energy consumption, hygiene and food requirements, land, waste and water management, the use of pesticides, manure and veterinary waste management. ESS1, ESS2, ESS3, ESS4, ESS5, ESS6, ESS8, , ESS10 are applicable and relevant plans included in the ESCP, ESMF, SEP, and RPF Including this LMP were already prepared and have been updated where necessary to reflect AF activities.



## **Chapter Three: Legal and Policy Framework**

The chapter describes the legal and policy framework which will guide the implementation of this LMP and ensure that labour related risks are mitigated and also enhance the positive impacts related to labour.

### **3.1 National legal provisions**

#### ***3.1.1 Occupational Safety, Health, and Welfare Act (1997)***

The Act regulates work conditions for the safety, health, and welfare of workers. It gives responsibilities for safety and health at the workplace to both employers and workers. As stipulated in section 13(1), employers are entrusted with an obligation of ensuring the safety, health and welfare of all employees. The Act makes it mandatory for employers to provide appropriate personal protective equipment (PPE) to employees that might be exposed to hazards. On the other hand, workers have to take reasonable care for their safety and health and that of other persons who may be affected by their acts or omissions at work. In line with provisions of this Act, every employer under this project (contractors, consultants, primary suppliers and service providers) shall have to ensure that there is adequate protection for their workers.

The construction activities under component two and three will therefore require all workers to be provided with appropriate PPE. Some of the protective clothing during construction shall include boots, helmets, gloves, overalls, and goggles. Workers at construction sites will be informed of any hazards associated with their work and preventive measures.

#### ***3.1.2 Employment Act (2000)***

The Employment Act of 2000 makes provision for the establishment, enforcement and regulating minimum standards of employment. The purpose of the Act is to ensure equity necessary to enhance industrial peace and accelerated economic growth and social justice. The Act prohibits employers from discriminating against employees on the grounds of race, colour, sex, language, religion, political or another opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship. Furthermore, it prohibits forced labour and child labour. MFSRP and the AF will be implemented in line with the provisions of the Employment Act (2000).

#### ***3.1.3 Workers Compensation Act (2000)***

The Workers Compensation Act of 2000 provides for compensation for injuries suffered or diseases contracted by workers in the course of their employment or for death resulting from such injuries or diseases. Section 4 (1) states that if an injury, other than the contraction of a scheduled disease, arising out of and in the course of employment is caused to a worker, the employer shall, subject to this Act, be liable to pay compensation in accordance with this Act.

The act also provides for working hours under Part VI of the Employment Act (2000) specifically Section 36 which is on ‘normal working hours, weekly rest etc.’; and Section 37 describes ‘maximum daily working hours. The act also provides for salaries and wages, leave provisions – annual, maternity, sick and holidays, retrenchment or termination of contract arrangements, the prohibition against all forms of child labour, and the prohibition against forced labour.

To comply with this Act, MFSRP and the AF will ensure that all eligible occupationally injured workers are compensated accordingly and according to the law (either direct workers, workers for a contractor or any third-party workers). As such, contractors and all other employers under this project will be sensitised on the provisions of the Workers Compensation Act.

#### ***3.1.4 The Labour Relations Act (1996)***

The Labour Relations Act promotes sound labour relations through the protection and promotion of freedom of association, encourages effective collective bargaining and promotes orderly and expeditious dispute settlement, conducive to social justice and economic development.

Part V of the Act stipulates dispute settlement procedures by presenting ways and channels of dispute resolution. Furthermore, it encourages the establishment of internal dispute-handling machinery as a primary platform to receive and handle workplace matters before the involvement of a third party.

Pertaining to this, MFSRP and the AF will utilise the workers’ grievance redress mechanism set out under the project, to provide an opportunity for reporting and settling grievances from workers. To promote contact and dialogue, safety committees shall be instituted at each construction site or any site involving the employment of workers as per the requirement under Section 21 of the Occupational safety, Health and Welfare Act of 1997.

#### ***3.1.5 Gender Equality Act (2013)***

The Gender Equality Act of 2013, among other things, promotes gender equality, equal integration, influence, empowerment, dignity, and opportunities, for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment. Section 7 of this Act sets a provision for workplace policy to address issues of sexual harassment. Sexual harassment may be in a form of physical conduct like rape, verbal conduct like comments on a worker’s appearance and nonverbal conduct like whistling. The main objective of this section is to eliminate all forms of sexual harassment emanating from work environments. It encourages the formation of a grievance redress mechanism where sexual harassment cases are to be reported and through which all perpetrators are disciplined accordingly. Since victims of abuse are at risk of becoming trapped in a cycle of abuse, matters of sexual harassment need to be dealt with seriously, expeditiously, sensitively, and confidentially. Employers have the mandate to protect all employees from sexual victimisation, and vengeance for reporting sexual grievances and false accusations.

To address all sexual harassment issues, MFSRP and the AF will implement a workplace policy on Sexual Harassment. Gender Equality Act 2013 requires that persons subjected to sexual harassment exhaust internal sexual harassment procedures before the commencement of prosecution or civil proceedings in a court of law. In view of this, a parallel structure to GRM will be deliberately put to handle all issues on SEA and GBV that will be reported from the worksite. This structure will comprise well-trained and independent persons/firms to provide advice and counselling to the victimised.

### ***3.1.6 Trafficking in Persons Act (2016)***

This is an Act to make provision for the prevention and elimination of trafficking in persons; to provide for the establishment of the National Coordination Committee against Trafficking in Persons for the coordination and management of matters related to trafficking in persons; and to provide for matters incidental thereto and connected therewith. Human trafficking is a potentially risky area in the construction sector where some people are coerced into work they have not chosen voluntarily. They may have been deceived about the nature of their work or conditions of their employment contract, they work under threat, are subjected to violence, confined to their workplace or do not receive the wage that was promised to them. They are victims of forced labour, and they have been trafficked into a situation from which they find it difficult to escape. The Act defines "trafficking in persons" as recruiting, transporting, transferring, harbouring, receiving or obtaining a person, within or beyond the territory of Malawi, through (a) threats or use of force or coercion; (b) abduction; (c) fraud or deception; (d) abuse or threats of abuse of power or position; (e) abuse or threats of abuse of position of vulnerability; (f) abuse or threats of abuse of the law or legal process; or (g) giving or receiving of payments to obtain consent of a person having control of the trafficked person, for the purpose of exploitation of that person. Part III of the Act has provisions on offences and section 14 states that a person who trafficks another person commits the offence termed trafficking in persons and shall, upon conviction, be liable to imprisonment for fourteen years without the option of a fine; and the consent of a trafficked person is immaterial. To comply with this Act, MFSRP and the AF will ensure that trafficking in person is avoided in all its projects. As such, contractors and all other employers under this project will be sensitised on the provisions of the Act and preventive measures will be put in place.

## **3.2 National Policy Framework**

### ***3.2.1 Gender Policy (2015)***

The Gender Policy of 2015 aims at guiding gender mainstreaming and women empowerment initiatives for the attainment of gender equity and equality in Malawi. The policy emphasises an inclusive approach in all developmental matters.

Policy Priority Area 7 elaborates on gender-based violence (GBV). GBV which is especially violence against women, girls and vulnerable groups, has been recognised by the Malawi Government as a severe impediment to social well-being and poverty reduction. If national development is to be achieved, then eradication of GBV is critical.

For this reason, the policy statement requires that; laws and policies shall be formulated and enforced to eliminate GBV and human trafficking; response and access to socio-economic services are improved to address gender-based violence and human trafficking; and knowledge, attitudes and practices on gender-based violence are improved.

To mitigate GBV during the implementation of MFSRP and the AF, employers shall be tasked to address the risks of GBV through conducting compulsory training and awareness to workers advising them to refrain from unacceptable conduct toward local community members, specifically women. These trainings can be repeated from time to time; enlightening workers about national laws that make sexual harassment and gender-based violence a punishable offence.

Policy Priority Area (PPA) 5 talks about Gender in Governance and Human Rights. This PPA states of women's active participation in politics and decision-making positions is a right and ensure good governance, transparency, and accountability. Women and men should be equally represented in politics and decision-making positions to fully realise democracy and achieve sound governance and sustainable development in Malawi.

Deliberate actions need to be adopted to make sure that women and youth are included in decision-making positions and economic activities. For this reason, MFSRP and the AF is going to give priority to women with construction skills to take part in civil works activities. In the same scenario, all committees for MFSRP and the AF will have a thirty percent quota for women's inclusion.

### ***3.2.2 Malawi National HIV and AIDS Policy (2003)***

The Malawi National HIV and AIDS Policy was adopted by the government in 2003. Its main goal is to prevent HIV and AIDS infections, to reduce vulnerability to HIV and AIDS, improve the provision of treatment, care and support for people living with HIV and AIDS and mitigate the socioeconomic impact of HIV and AIDS on individuals, families, communities, and the nation.

Chapter 7 of the Policy observes that in workplaces unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV and AIDS testing, dismissal for being HIV and AIDS positive and the denial of employee benefits if known to be infected. HIV and AIDS affect every workplace. Absenteeism and death impact productivity, employee benefits, production costs and workplace morale.

The Project will have the potential to create job opportunities for the locals that will make them disposable income and this can lead to sexual interaction between workers which will likely accelerate the spread of HIV and AIDS. Cognizant of this, contractors will be required to develop and implement HIV and AIDS workplace policies which among other things will provide for prevention, treatment, care, and support and impact mitigation programmes.

### **3.3 World Bank's Environmental and Social Standards (ESS)**

The development of the labour management plan is in line with the World Bank's Environmental and Social safeguards standards (ESS), mainly on Assessment and Management of Environmental and Social Risks and Impacts (ESS1), Labour and Working Conditions (ESS2), Community Health and Safety (ESS4), and Stakeholder Engagement and Information Disclosure (ESS10). The following section describes how the labour management plan will achieve each of the standards for the World Bank.

#### ***3.3.1 Assessment and Management of Environmental and Social Risks and Impacts (ESS1)***

ESS1 recognises the need to take into consideration of views of representative workers' and employers' organisations may be sought.

#### ***3.3.2 Labour and Working Conditions (ESS2)***

This is the main guiding instrument for the implementation of labour and working conditions issues under MFSRP and the AF for direct, contracted, community and primary supply workers. ESS2 recognises the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth.

#### ***3.3.3 Community Health and Safety (ESS4)***

The standards recognise a need for the safeguarding of personnel and property in a manner that avoids or minimises risks to the project-affected communities, especially the vulnerable groups. It stipulates that structural elements of a project need to be designed and constructed by competent professionals and certified or approved by competent authorities or professionals to safeguard the users and communities. Hence competent personnel need to be employed to ensure community health and safety.

Standards also stipulate that the developer should manage permanent and temporary labour influx to protect the communities from communicable diseases in the project areas. The standards also guides in terms of management of security personnel which states that the borrower will (i) make reasonable inquiries to verify that the direct or contracted workers retained by the borrower to provide security are not implicated in past abuses; (ii) train them adequately (or determine that they are properly trained) in the use of force (and where applicable, firearms), and appropriate conduct toward workers and affected communities; and (iii) require them to act within the applicable law and any requirements set out in the ESCP.

#### ***3.3.4 Stakeholder Engagement and Information Disclosure (ESS10)***

This ESS recognises the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation. This includes stakeholder engagement during project preparation and also implementation. This also recognises a need to develop a GRM to log grievances for different stakeholders including workers.

### **3.4 International Labour Organisation (ILO) and United Nations (UN) Conventions**

Malawi is a signatory to International Labour Organisation (ILO) and United Nations (UN) conventions. Such being the case, most of the provisions in the ILO Conventions are incorporated in Malawi's labour-related legislation and the ESS2 complements these conventions formed. These include:

- ILO Convention 87 on Freedom of Association and Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age (of Employment);
- ILO Convention 182 on the Worst Forms of Child Labour;
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 155 on Occupational Safety and Health;
- ILO Convention 187 on Promotional Framework on Occupational Safety and Health;
- ILO Convention 190 on Violence and Harassment at Work.

The project will promote the following four fundamental standards outlined below:

- Freedom of association and the effective recognition of the right to collective bargaining;
- Elimination of all forms of forced or compulsory labour;
- Effective abolition of child labour; and,
- Elimination of discrimination in respect of employment and occupation.

In addition to these standards, the project will ensure to recognise of the action points that cover five further standards based on other international conventions of the ILO and provisions contained in regional and national law including:

- Health and safety including HIV/AIDS prevention;
- Wages to be paid in full and on time, to meet legal minima and be sufficient for basic needs;
- Paying for hourly workers, working hours to be limited, and overtime;
- No repeated casualization to avoid meeting wages and other legal benefits; and,
- Ensuring that relevant social security regimes are applied.

Overall, project implementation will comply to the WB ESS2 on labour and working conditions as well as OHS sections in WB EHS Guidelines.

## **Chapter Four: Type of Labour force anticipated by the Project and Labour Risks Analysis**

The project will involve several types of workers. These will include permanent and temporary workers, national or international migrants, female or male workers, workers with different age categories, and many others. These will also be employed at different stages of the project. The activities related to construction works and other timed interventions will have contracted workers. The employment will involve different modes with might include direct employment, brokers, intermediaries, or agents.

### **4.1 Applicability of LMP**

According to the Environmental and Social Safeguards Standards (ESS2), the LMP applies to the project workers (direct workers, contracted workers, community workers and primary supply workers) who are referred to as;

- Direct workers are people employed or engaged directly by the borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers);
- Contracted workers are people employed or engaged through third parties (may include contractors, subcontractors, brokers, agents or intermediaries) to perform work related to core functions of the project, regardless of location (contracted workers);
- Primary supplier workers are people employed or engaged by the borrowers primary suppliers (primary supply workers);
- Community workers are people employed or engaged in providing community Labour (community workers).

ESS2 applies to project workers including full-time, part-time, temporary, seasonal, and migrant workers (these are workers who have migrated from one country to another or from one part of the country to another for purposes of employment). Requirements under ESS2 are different depending on the type of project worker involved. MFSRP and the AF will engage and employ all these categories of workers. Table 4-1 provides a synopsis of the anticipated workers under each category.

**Table 4-1: Types of workers anticipated to be engaged by the project**

Type of worker	Role in the Project	Contracting period	Skills and area of expertise	Estimated Number
Direct	Project implementing unit	Onset and finalisation period of the project	Technical & Financial Staff including E&S Focal Point	35
Contracted	Consultants for various studies	Specific periods of various assignments	Agro-processing, Feasibility Studies, capacity building consultants, contractors, ESIA consultants, GBV service providers, third party monitor, financial institutions, etc.	50
Primary supplier	Suppliers of various goods and services	Specific periods of various assignments	Insurance service providers, suppliers to contractors etc.	100
Community worker	Community contribution to the project	During project implementation	Farming activities, climate smart agricultures interventions	5,000

The project has engaged various experts who are part of the PIU. These shall include a Project Coordinator, Financial Management Specialists, Environmental Safeguard Specialist, Social Safeguards Specialists, Procurement Specialist, Agribusiness Specialist, Trade Facilitation Specialist, Institutional development Specialist and Monitoring and Evaluation Specialist, among others.

The two Safeguards specialists are responsible for the overall coordination and implementation of safeguards. Additional two officers (an Environmental Health and Safety Officer and a Social and Gender Officer) were engaged to support the coordination and implementation of applicable environmental and social standards (ESS). In this context, all OHS issues are currently been managed by the Environmental Health and Safety Officer.

For contracted workers, the project shall engage several service providers who will employ people with various skills. Under component two for improving public infrastructure, the project will engage various contractors and consultants to develop infrastructure meant to support agri-food production and marketing. The project will also develop medium-size to large-scale irrigation schemes and landscape approaches for catchment management which will also require a number of contracted workers.

The project will also involve farmers managing the catchment areas under the same component two and this will be regarded as farmers' contribution to the project costs, hence the LMP shall apply.



Component 3 (Strengthening public service delivery and policy environment), will also trigger the application of the LMP through the use of contract workers who might be involved in the development and upgrade of digital platforms; the construction, rehabilitation and upgrade of strategic public facilities; and the preparation and implementation of strategic policy reforms. Component 5 on contingent emergency response might also involve all four types of workers through various interventions that might be implemented during crisis periods.

#### **4.2 Anticipated Labour Risks**

The project anticipates moderate to substantial level of labour risk to be associated with the project activities. Direct workers and contracted workers will experience a low level of Labour risks since most of the work, such as project management, training, profiling, and similar works, will be performed in offices and/or rooms. All direct and contracted workers will be formally employed and guided by a set of human resources policies outlined in Chapter 3.

Community workers will carry out the works on farms which may increase the level of labour risks. These may involve risks associated with occupational health and safety (OHS), and working conditions such as long working hours, lack of rest and working under high-temperature weather conditions. In general, there is a risk of child labour and forms of forced labour in the agriculture sector in Malawi. However, the project design includes measures to minimise these risks such as the minimum working age of eighteen years and formal employment of workers engaged in agricultural works. These measures will be further discussed under Chapter 5 in this LMP. Due to the nature of work in the agriculture sector, workers are exposed to fertilisers and pesticides and handle machinery which may cause various health and safety risks. Risk mitigation and prevention procedures are included in the project design, LMP and ESMF.

Other key labour risks which may be associated with the project activities include:

- Lack of awareness of occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices.
- The conduct of hazardous work, such as the use of chemicals and use of heavy machinery.
- Possible accidents due to the use of rotating and moving equipment.
- Health problems caused by contact with animals and plants, such as bites and poisoning.
- Possible exposure to infectious diseases, such as Covid-19.
- Electrical safety due to the use of faulty electrical devices, such as cable plugs, cords, and hand tools.
- Possible risks of child labour cases.
- Possible risks of trafficking in persons
- Risks of sexual harassment, sexual exploitation and abuse,
- Labour exploitation cases.
- Possible accidents from working at height during work without proper gear and protection.

## **Chapter Five: Labour Management Plan**

This chapter describes the labour management plan, roles, and responsibilities and how the grievances will be managed. The following table provides the labour related risks and how they can be managed and mitigated;

**Table 5-1: Labour Management Plan for MFSRP and the AF**

<b>Risk/Impact</b>	<b>Mitigation Measures</b>	<b>Responsibility</b>	<b>Cost of implementation (US\$D)</b>
Increased health and safety risk to the workforce, potential non-compliance with national labour laws, and reputational risk to project.	Workers to sign code of conduct on adherence to EOHS issues	Employer	Costs to be included in project-specific sub-plans
	Implement measures of protection at work and safety for jobs with increased risk of injury and damage to health, as well as the organisation of training for workers in such jobs		
	Employer to provide appropriate PPE		
	Ensure that work matches skills		
	Employer to observe ergonomics		
	Workers should not engage in any drug and alcohol abuse		
Lack of awareness among workers on the ESHS risks and requirements of the project e.g. from chemical poisoning and injuries, electrical installations etc. (including those of primary suppliers workers)	Train all the workers on monthly basis on ESHS issues e.g. safety, the importance of wearing PPEs, code of conduct such as sexual harassment	PIU, employer	20,000
	Particularly towards women and children, violence, including sexual and/or gender-based violence and a respectful attitude while interacting with the local community.		
	Train all workers on the management of hazardous materials		
	Include the same conditions and specifications on ESHS aspects to subcontracting agreements for all primary supplier workers		
Lack of relevant PPEs will increase the risk of worker's exposure to construction hazards	Employer to provide appropriate PPES for the workers	Employer	Costs to be included in project-specific sub-plans
	Employers to provide a safe working environment for the workers	Employer	

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
Health problems are caused by contact with animals and plants, such as bites and poisoning.	Carry out disease screening exercises to identify critical hazards emanating from contact with animals		Costs to be included in project-specific sub-plans (minimum of 45,000)
	Workers should not engage in any illegal business activities e.g. selling ivory, bush meat, etc.		
	<p>Accommodation and food for workers to be provided must by meeting the following conditions;</p> <ul style="list-style-type: none"> <li>i. <i>Health requirements for project execution;</i></li> <li>ii. <i>Minimum camp specifications for operations accommodation;</i></li> <li>iii. <i>Contractor’s occupational health and safety plan;</i></li> <li>iv. <i>Have emergency response plan;</i></li> <li>v. <i>Camp rules and regulations;</i></li> <li>vi. <i>Camp disciplinary procedure;</i></li> <li>vii. <i>Complaints system for food, dining, housekeeping and maintenance;</i></li> <li>viii. <i>Camp committee system;</i></li> <li>ix. <i>Community relations cultural awareness;</i></li> <li>x. <i>Have security management plan;</i></li> <li>xi. <i>Undertake room allocations openly and transparently using only employment seniority as a criterion. Keep separate but equal male and female accommodation.</i></li> <li>xii. <i>Implement appropriate levels of safety and security practices and ensure that only residents are allowed in the accommodation – as well as day workers such as cleaning and maintenance staff. Strict ingress and egress control is required to ensure the security of the residents, particularly women.</i></li> </ul>		

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
	<p>xiii. Procure camp supplies according to the operations procurement and supply chain management practices. Do not procure from vendors if it may lead to higher prices for local communities or encourage in-migration into the area.</p> <p>xiv. Provide food that will ensure a balanced diet, is culturally appropriate and has been approved by a qualified nutritionist.</p> <p>xv. Provide safe, potable water at all work sites, accommodations, and dining and recreation areas</p> <p>xvi. Meet all the health, hygiene and food safety requirements described in the minimum health specification guidelines</p>		
Possible exposure to infectious diseases, such as Covid-19.	Employers to carry out awareness on the prevention of Covid-19.	PIU, Employer	Costs included in specific sub-plans for the project (minimum of 50,000)
	Employer to provide relevant PPEs for the prevention of Covid-19.		
	Employers to isolate individuals who have been found positive for Covid-19.		
Possible risks of trafficking in persons	Ensure that all employees are trained and awareness of TIP is carried out.	PIU, Employer	Costs included in specific sub-plans for the project (minimum of 50,000)
	Sensitise workers on relevant human rights obligations.		
	All migrant workers shall have work permits to work in Malawi.		
	Where a contractor uses agencies to recruit foreign\local workers, the contractor ensures that these agencies are reputable and legitimate.		
	Complete transparency on all fees paid to the agencies to be required by the contractor and subject to approval by the Ministry of Agriculture.		

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
	The contractor should aim to contract directly with their workers and not use third-party agencies. This means that workers will be paid by the contractor directly and not through an agency.		
Risks of Sexual Harassment, Sexual Exploitation and Abuse	Sensitise workers on relevant human rights obligations.	PIU, Employer	450,000 (carters cost for hiring a GBV service provider)
	Project workers will comply with national laws prohibiting sexual harassment and sexual exploitation and abuse.		
	Compliance with legal notice periods.		
	All workers shall be required to sign off code of conduct to adhere to the protection and prevention of sexual harassment, sexual exploitation and abuse and labour exploitation.		
	Provide GRM for the workers.		
	Work with the GBV service provider to prevent gender-based related cases.		
Risks of Labour exploitation	All project workers shall have employment contracts in writing, including a description of the conditions of employment. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites. The contracts must be in a language understood properly by both parties.	Employer	Costs included with the operation costs of the employer (minimum of 500,000)
	Workers are entitled to a regular salary, as well as to compensation of salary for periods of absence from work or specific conditions of work such as overtime work, work on holidays, weekends, etc.		
	The employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination concerning any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of		

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
	<p>employment, access to training, promotion or termination of employment.</p> <p>Workers shall have a rest period during working hours, weekly rest and annual holidays as prescribed under the law.</p> <p>Recruitment procedures will be transparent, public and non-discriminatory for ethnicity, race, religion, sex, disability, political beliefs, and other grounds included in the labour code.</p> <p>Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.</p> <p>The community workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the employer. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties understanding the documentation. For occupational health and safety measures, a procedure will be established. This procedure will cover the training of community workers, informing workers about possible risks for each type of work, controlling the workers on the job, controlling the working area and taking the required precautions. Controls will be made as regular visits to the site and also as spot checks. Accordingly, community workers will be trained and informed about potential OHS risks before the start of work on farms. A community worker who does not take the required training will not be allowed to work.</p>		

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
	<p>Keep records of workers who are working on tasks with increased risk of injury and harm to health.</p> <p>Working hours are forty-five hours per week, and in case of necessity of overtime work, workers will be paid for overtime work as prescribed by the labour law.</p> <p>Project workers will have access to the grievance mechanism as described in Chapter 6 of this procedure.</p>		
Risks of Child labour	<p>Minimum age of employment will be eighteen years.</p> <p>National IDs will be produced during the recruitment process and the records shall be kept by the hiring authorities.</p>	PIU, employer	60,000
Perception of unfair recruitment and selection practices which might lead to community tensions and stopping work that affects productivity	<p>Ensure that recruitment is as transparent as possible to;</p> <ol style="list-style-type: none"> <li>1. Maximise work opportunities for local citizens and recruit by the geographic priorities determined by the Labour officer from Ministry of Labour; and</li> <li>2. Enhance local employee skills through training and development interventions.</li> </ol>	PIU, employer	Cost included in specific sub-plans
Perceptions that wages, salaries and benefits are poor or that foreigners are treated better and receive better conditions of employment which might result in	<p>Employer must:</p> <ol style="list-style-type: none"> <li>1. Adhere to equal pay for equal work.</li> <li>2. Carry out wage surveys to assess local conditions and industry averages.</li> <li>3. Process for pay increases based on inflation changes.</li> </ol>	PIU, employer	20,000



Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
industrial actions e.g. strikes, sit-ins etc.	<ol style="list-style-type: none"> <li>4. Ensure that there is an effective communication and engagement mechanisms including at least the following: worker committees, regular written communications that go to all workers describing relevant operations activities, use of notice boards, use of toolbox talks, workers' rights e.g. right to form or join a workers' organisation such as a union.</li> <li>5. The terms and conditions should be equal to, or better than, similar work in similar projects in the country.</li> <li>6. Set up a workers' grievance redress mechanism</li> </ol>		
Different cultures meeting in the workplace – feelings of distrust and suspicion of other cultural groups e.g. migrant workers versus local workers	Employer to institute cultural awareness training for all workers	PIU, Employer	10,000
	All employees are to sign a code of conduct which will have clauses for respect of culture for one another		
Family and community impacts generated through loss of work by community or family members might lead increase in the lawlessness of communities posing security threats for operations, a decrease in the morale of existing workers, leading to loss of productivity.	<p>Comprehensive retrenchment procedure and strategy, which includes:</p> <ol style="list-style-type: none"> <li>1. Timing and number of workers to be retrenched – a staggered approach</li> <li>2. A communications strategy to minimise misinformation and rumours.</li> <li>3. Alignment with community development activities.</li> <li>4. Complaints or grievance process to facilitate employee and contractor dispute resolution relating to retrenchment.</li> <li>5. Personal viability training.</li> <li>6. Engagement and consultation of relevant stakeholders, including families of retrenched workers.</li> </ol>	PIU, employer	Cost included in specific sub-plans

Risk/Impact	Mitigation Measures	Responsibility	Cost of implementation (US\$D)
	7. Provide terminal benefits during the retrenchment to the workers.		
Communities are negatively impacted by camp and work activities: noise, waste, traffic, lighting and so forth. This may result in negative actions towards works operations such as road closures and the prevention of workers or suppliers from entering the worksite.	Implement control measures to avoid and minimise the impacts of camp and works on the living conditions of the communities.	PIU, employer	Cost included in specific sub-plans (minimum of 100,000)
	Limit foreign worker interaction with communities and provide cultural sensitivity awareness training to facilitate appropriate interaction with communities.		
	Develop a health and safety plan which shall also include measures for protecting the communities.		

## **Chapter Six: Roles and Responsibilities**

MFSRP and the AF shall ensure that workers are properly managed throughout the project period by committing to comply with national and international labour requirements. Implement this, there are a number of key stakeholders who will be involved in the implementation of the Labour issues. The stakeholders are at national, district and community levels, as outlined in this LMP. These stakeholders will also be expected to assist in the management of the project's workers within their areas of jurisdiction. Thus, successful management of the project's workers requires a clear definition

of the roles and responsibilities of key players and stakeholders. The following have been identified as key players in the implementation of this LMP.

Table 6.1: Roles and responsibilities of stakeholders

No	Stakeholder	Roles and responsibilities
	PIU (National Project Coordinator, Environmental Safeguards Specialist and Environmental, Healthy and Safety Officer)	<ul style="list-style-type: none"> <li>• Overall management of contractors and consultants retained for the project, including ensuring that contractors develop and implement labour management procedures consistent with this LMP and will monitor the overall implementation of LMP for contractors;</li> <li>• Oversee and review screening reports, ESMPs, CESMPs, OHS plans to ensure that labour related issues are covered</li> <li>• Incorporating OHS issues in bid documents and contracts</li> <li>- Monitoring of implementation of approved site-specific labour management plans;</li> <li>- Monitoring implementation of the workers' code of conduct for both direct and contract workers .</li> <li>- Building capacity of all relevant stakeholders, including contractors, in Labour management issues including LMP;</li> <li>- Provision of expert advice on labour management;</li> <li>- Carrying out enforcement and monitoring roles as stipulated by law; with findings reported to facilitate implementation of remedial/corrective actions and technical assistance for compliance.</li> <li>- Carrying out a periodical review of employment and working conditions;</li> <li>- Monitoring and supervising contracted service providers to ensure that they manage their workers pursuant to the agreements in the contract;</li> <li>- Update the LMP accordingly in case of any new changes in labour related laws and policies, implementation arrangements or any new emerging issues;</li> <li>- Handling grievances that have not been resolved by Workers Grievance Redress Committee</li> </ul>

	Consultants	<ul style="list-style-type: none"> <li>- Monitoring and verifying that Environmental, Social, Healthy and Safety Environmental, Social, Health and safety (ESHS) impacts are prevented or kept to a minimum;</li> <li>- Reviewing and approving method statements to ensure that the labour specifications are contained within CESMP, project ESIA / ESMPs and the contracts are adhered to;</li> <li>- Monitoring the undertaking by the contractor of labour awareness training for all new personnel on-site during construction and maintenance activities;</li> <li>- Ensuring that activities on site comply with all relevant labour legislation;</li> <li>- Undertaking a continual internal review of the CESMP and submitting any changes to MFSRP and the AF and/or the institution in charge of environmental protection (Environmental Authority) and the concerned lead agencies (in case of major changes) for review and approval;</li> <li>- Checking the register of EHSS complaints maintained and ensuring that the correct actions are or were taken in response to these complaints related to labour;</li> <li>- Checking that the required actions are/were undertaken to mitigate the EHSS impacts resulting from non-compliance during the implementation of the project works related to labour;</li> <li>- Reporting all labour-related incidences to the PIU and Ministry of Labour or any relevant authorities;</li> <li>- Conducting monthly labour performance audits in respect of the activities undertaken relating to the project;</li> <li>- Providing feedback on any labour risk issues at site meetings; compiling monthly, quarterly, and end of project labour reports.</li> </ul>
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	Contractors	<p>The Contractors will be responsible for:</p> <ul style="list-style-type: none"> <li>- Ensuring the protection of workers in line with national labour laws and the WB EHS guidelines and GIIPs;</li> <li>- Recruit labour, EHS Officer to implement the LMP;</li> <li>- Ensure that all workers and trained have signed code of conduct which shall include implementation of LMP;</li> <li>- Creating awareness among workers on their roles including health and safety measures;</li> <li>- Provision of adequate and appropriate PPE to all workers;</li> <li>- Maintaining records of recruitment and employment of workers;</li> <li>- Communicating terms and conditions of employment to all workers;</li> <li>- Bringing awareness to workers on the grievance redress mechanism;</li> <li>- Providing induction (including social induction) and regular training to employees on labour protection requirements, including training on their rights under Malawi labour laws, risks of their jobs and measures to reduce risks to acceptable levels;</li> <li>- Developing and implementing the workers’ code of conduct</li> <li>- Supervising workers’ compliance with the workers’ code of conduct;</li> <li>- Recording, processing and reporting grievances: and</li> <li>- Recording and reporting all occupational accidents to relevant authorities.</li> </ul>
	Service Providers (third-party agencies, brokers, agents, or intermediaries etc.), and suppliers)	<p>The service provider will be responsible for:</p> <ul style="list-style-type: none"> <li>- Providing labour management, HIV and AIDS, GBV, SH, VAC, SEA, and child labour training to their workers. All service provider employees will be required to attend trainings and awareness on these social issues before being engaged in any supply activity and a code of conduct shall be required to be signed;</li> <li>- Conducting HIV and AIDS, GBV, SH, VAC, SEA, and child labour action plans, monitoring, and mobilisation and awareness campaigns for community members and immediately reporting any issues and/or cases related to these social aspects. In case of any case, the reporting channel shall be done as specified by the GRM procedure;</li> <li>- Monitoring and preparing progress reports on the implementation of labour, HIV and AIDS, GBV, SH, VAC, SEA, and child labour action plans in the project.</li> </ul>

	<p>Workers (direct, indirect, temporary, permanent, migrant)</p>	<p>Every worker shall co-operate with the management so far as is necessary to enable smooth implementation of this LMP</p> <ul style="list-style-type: none"> <li>- taking reasonable care for their safety and health and that of other persons who may be affected by their acts, or omissions at work;</li> <li>- wearing PPE and following safe work environment procedures at all times;</li> <li>- comply with ESMP requirements in carrying out their work;</li> <li>- carrying out any lawful order given to them, and obeying the rules and procedures that are laid down in this LMP and other applicable laws;</li> <li>- not operate any machine or engage in a process for which is not authorized, not competent or is unsafe or is an imminent risk to the employee's health or safety and that of others;</li> <li>- by following accident and incident reporting procedures, reporting, any accident, or any situation which is unsafe or unhealthy through the established channels for prompt action</li> <li>- not intentionally or recklessly interfere with or misuse anything provided in the interests of their health, safety or welfare and that of others.</li> </ul>
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The PIU as the coordinating agency, shall work hand in hand with other relevant government departments including: Department of Agricultural Extension Services and Environmental Affairs Department (EAD) in order to monitor implementation of the environmental and social safeguards under this project. PIU shall act on any noncompliance observed in sites through the Supervising Engineers.

**6.1.2 District Administration**

At District level, there is a District Environmental District Sub Committee (DESC) which consist of technical specialists and led by the Environmental District Officer, responsible for coordinating safeguards activities at council level. The Committee includes the Environmental District Officer, District Forestry Officer, Land Resources Conservation Officer, Director for Planning and Development, Chief Agriculture Officer, District Lands Officer and District HIV Officer among others. Members of DESC will be responsible for monitoring implementation of safeguards activities as outlined in the ESMP.



### **6.1.3 The Contractor**

The Contractor will be responsible for implementing the environmental and social safeguards management measures stated in the subproject ESMP. The pertinent information from the subproject ESMP will be included as part of the bidding document. The contractor will also be required to prepare a contractor Environmental and Social Management Plan (C-ESMP) in-line with the recommendations of the respective subproject ESMP. The CESMPs shall be approved by the Supervision Engineers and submitted to the PIU for clearance. The Contractor shall be accountable for the implementation of these instruments (CESMP/ESMP) and required to have a qualified environmental and/ or social safeguards expert to coordinate safeguards activities. The Contractor shall also provide training for his staff and undertake sensitisation meetings targeting the surrounding communities.

### **6.1.4 Contractor's Environmental and Social Safeguards Experts**

The Safeguards Experts under the contractor will be responsible for the day-to-day monitoring of the subprojects implementation, including implementation of environmental and social management during construction. By contractual arrangement, the Safeguards Experts will have a supervisory responsibility to confirm sound implementation of all site environmental and social management and monitoring recommendations. The Experts shall approve or reject, as the case may be, the proposals and undertakings of the contractor in relation to the requirements of the contract documents.

### **6.1.5 The Community**

The Community has the right to be consulted to ensure the overall project acceptability and sustainable implementation of the LMI subprojects. In general, the community should be involved at different stages of the subproject implementation. A focus will be placed on engaging relevant women's groups to ensure both men and women are informed about subproject activities within the area.

### **6.1.6 Local NGOs**

Local NGOs working around the subproject implementation location shall be approached for possible contributions especially for the sustainability of the subproject. NGOs working in GBV, SAE, CAE are important specifically during the operation phase of the subproject.

## Chapter Seven: Cross-cutting Issues

This chapter describes cross-cutting issues which are directly related to labour management. These have the potential to have adverse impacts on labour relations and management at workplace.

### 7.1 Gender-Based Violence, Sexual Harassment and Sexual Exploitation and Abuse

The implementation of the project will likely result in an influx of people into the construction sites resulting in the potential for gender-based violence (GBV), sexual harassment and sexual exploitation and abuse (SEA). An increase in disposable income for workers and communities working on the project could also result in GBV/SH/SEA incidences. Such incidences may arise in situations where large numbers of contractor workers interact with poor communities, where household representatives that receive project benefits are forced to surrender the cash to spouses, where benefits may be used to lure adolescents into unsafe sexual practices, or in cases of forced sexual relationships in return for favours. GBV/ VAC and sexual harassment are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at the workers' camps or within the local community. MFSRP and the AF implementation will comply with the 6 core principles of the Interagency Standing Committee (IAC) on SEA. These principles were incorporated into the UN Secretary General's Bulletin on SEA in 2003. The bulletin outlines a zero-tolerance policy toward SEA, obliges UN staff to report incidents of abuse, and is binding on all UN staff, including all agencies and individuals who have cooperative agreements with the UN and the following is a principle regarding age: "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence."

There are well-founded concerns that projects involving major civil works can increase the risk of Gender-Based Violence (GBV), and in particular, sexual exploitation and abuse (SEA). The project can create a power differential between those who are engaged in civil works and the project-affected communities, which can increase the opportunities for the members of the project-affected communities to be sexually exploited and abused. The risk of incidents of sex between labourers and minors, both girls and boys, can also increase. Besides the risks of SEA, incidents of sexual harassment (SH) can occur within project-related entities. Perpetrators could be fellow workers or supervisors. Labour influx can also increase the risk of sex trafficking.

The Good Practice Note on Addressing Gender-Based Violence in Investment Project Financing involving Major Civil Works (GBV Good Practice Note) recognises that major civil works may exacerbate GBV risks, notably risks for sexual exploitation and abuse (SEA) as well as sexual harassment (SH), by a range of perpetrators linked to project implementation in both public and private spheres in several ways, such as the following:

- a. Projects with a large influx of workers may increase the demand for sex work—even increase the risk of sex trafficking of women—or the risk of early marriage in a community where

marriage to an employed man is seen as the best strategy for an adolescent girl's livelihood. Furthermore, higher wages for workers in a community can lead to an increase in transactional sex. The risk of sexual relations between labourers and minors, even when it is not transactional, can also increase.

- b. Projects create changes in the communities in which they operate and can cause shifts in power dynamics between community members and within households. For example, men in the community may be agitated when they think that workers are interacting with women in the community or when female project employees begin to bring more income than usual back to the household. Hence, abusive behaviour can occur not only between project staff and those living in and around the project site but also within the homes of those affected by the project.

The PIU, consultants, service providers, and contractors are required to put in place administrative measures to prevent and minimise GBV/SEA/SH/VAC with proposed preventive and mitigation strategies. The GBV risk of each subproject is assessed and categorised as low risk, moderate risk, substantial risk and high risk. For low GBV-risk project the following mitigation measures will suffice.

- Include an assessment of GBV risks in the specific project's Environmental and Social Impact Assessment (ESIA);
- Inform project-affected communities about GBV risks, as part of stakeholder consultations;
- Map out GBV prevention and response services in the project area of influence;
- Adequately reflect GBV risks, and measures to address them, in key safeguards instruments (i.e., Project ESMP, Contractor ESMP);
- Assess and strengthen the implementing agency capacity to prevent and respond to GBV as part of project preparation
- Make certain the availability of an effective grievance redress mechanism (GRM) with multiple channels to initiate a complaint (parallel GBV GRM may be warranted for "substantial" and "high" risk projects);
- Clearly define the GBV requirements and expectations in the bid documents, including the requirement for a code of conduct (CoC) which addresses GBV (for ICB and NCB);
- Address how GBV-related costs will be paid in the contract, and the procurement documents;
- During implementation, ensure that CoCs are signed and understood by all contractors, consultants and workers;
- During work, provide separate sanitary facilities and change rooms for women and men, and GBV-free zone signage.

**For moderate GBV risk projects additional mitigation measures will include;**

- Develop a GBV Action plan including an accountability and response framework, as part of project ESMP.
- *Consider* having a GBV specialist in the implementing agency.

- Consider having a GBV specialist in the supervision consultant's team.
- Evaluate the contractor's GBV response proposal in the contractor-ESMP and confirm before finalising the contract the contractor's ability to meet the project's GBV requirements.

**For substantial GBV risk projects (this project might fall under this category) additional mitigation measures will include;**

- GBV specialist in the PIU to support project implementation is recommended;
- GBV specialist in the supervision consultant's team recommended;
- Consider oversight through an independent third-party monitor (TPM) with experienced GBV staff;
- Implementation agency to recruit GBV service providers to facilitate access to timely, safe and confidential services for survivors to be considered.

**For high GBV risk projects additional mitigation measures will include;**

- Oversight through an independent third-party monitor (TPM) with experienced GBV staff.
- Implementing agency to recruit GBV service providers to facilitate access to timely, safe and confidential services for survivors (including money for transportation, documentation fees, and lodging if needed).
- Reports must be made in accordance with project's SEA, child sexual exploitation and abuse and sexual harassment allegation procedures.
- Establish and operationalize GRM whose approach is sensitive to issues of GBV and SEA.
- Development of GBV prevention and response plan as part of ESMP template.
- Community engagement and consultation to include GBV/SEA/SH sensitisation.

All information will be treated as confidential and handled by a GBV service providers (GBV SP). The GBV SP will refer survivors to safe and ethical aftercare services. Each grievance redress management committee will have GBV champions who will be trained by the GBV SP to ensure they can report the GBV/SEA incidents. There will be community awareness of the availability of GRCs and their responsibilities and in particular availability of GBV champions in each GRC. For the workers' GRCs, the GBV champions will be known by all workers to enable survivors of sexual harassment to report their cases. The community members will be encouraged to report all criminal cases to the police and inform the GBV Service Provider to follow up.

All cases will be reported to the PIU within twenty-four hours.

**Sexual harassment policy statement**

MFSRP and the AF is committed to maintaining a workplace free from sexual harassment. Sexual harassment is purely another form of workplace discrimination. All employees will be required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of MFSRP and the AF's commitment to a discrimination-free work environment. Sexual harassment is

against the law and all employees have a legal right to a workplace free from sexual harassment employees are urged to report sexual harassment by filing a complaint internally with MFSRP and the AF. Employees will be let free to file a complaint with a government agency or in court under state or local anti-discrimination laws. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and confidence. No one will be victimised for making such a complaint. The policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with MFSRP and the AF.

## **7.2 Age of employment**

As stipulated above, the Employment Act (2000) sets the minimum age for persons to enter into employment in Malawi as 18. This is also stipulated in the International Labour Organisation Convention (138) on minimum age. These two legislations prohibit the employment of underage children. However, according to Section 21 of the Employment Act, children between the ages of fourteen and eighteen are allowed to participate in light work so long as it does not interfere with the child's education or harm the child's health or physical, mental, spiritual, moral or social development. Under the MFSRP and the AF, Component 2 and other components involving construction works, children under the age of 18 will **NOT** be employed to work in construction sites. Project activities in such an environment are harmful to the health, and safety hazards, such as affecting the education, morals or development of such a person. Such activities might also be prejudicial to a person's attendance at school or any other vocational or training programme. However, an internship program may be offered to the youth of age categories allowed to work as long as the works are not hazardous and such institutions shall be required to keep records of such employees between 14 to 18 years. National identity cards will be used to verify the age of workers. The following procedure will be followed if a child is employed:

- Underage workers identified will be removed;
- The culprits of child labour shall be reported to relevant authorities where child labour issues are handled e.g.to the labour office; and
- If underage workers are found working on the project, the Ministry of Agriculture, will provide immediate notification to the contractor and labour office and instruct immediate termination of the worker by the contractor. If the Ministry of Agriculture is fined by local authorities because a contractor employed a minor, the ministry will pass the cost to the contractor and the contractor must terminate the minor immediately.

All these conditions will be included in the codes of conduct which will be signed by contractors and all workers to ensure that the conditions are not only enforceable but also legally binding. Further, awareness-raising sessions will be conducted regularly in the communities to sensitise them on prohibition and the negative impact of child and forced labour.

### **7.3 Terms and conditions**

The project will not engage community labourers unless specified under specific project components which will require community contribution to the project. Government civil servants, who may provide support to the project, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement as provided in the Malawi Public Service Regulations (MPSR) and another government circular. The following terms and conditions will guide the management of workers engaged by the contractors under the project:

- Workers to be involved in the construction works should be at least eighteen years of age.
- Workers will have an opportunity to negotiate their wages equal to or above the government-set minimum wage.
- Differences in wages will not be influenced by race, colour, sex, language, religion, political or other opinions, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities or other matters arising out of the employment relationship.
- Payment of wages will be done at most on monthly basis on the last day of each month.
- During the recruitment of workers, the contractors will explain to them the working conditions before the commencement of work. Section 27 of the Employment Act makes it mandatory for employers to give their employees a copy of the written particulars of employment, signed by both parties within one month of employment.
- Violation of the workers' code of conduct will constitute misconduct.
- Working hours shall be not more than forty-five hours a week, excluding overtime.
- Overtime shall be paid at 1 ½ time the ordinary rates of pay for work done more than the times listed above. All work done on public holidays is paid at twice the ordinary rate of pay.
- No employer shall require or permit an employee to work for more than six consecutive days without a period of rest, comprising at least twenty-four consecutive hours, which shall be taken on a customary day of rest or a day agreed upon between the parties.
- In ensuring full compliance with the law in this regard, contractors will be required to furnish Roads Authority with copies of the written particulars of employment or copies of the contract of all its workforce.

### **7.4 Workers' grievance redress mechanism**

Where the contractor will employ workers, they will be required to establish a workers' grievance redress Committee (WGRC) to ensure that all persons that may be negatively affected by the project, have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of issues. All workers for the contractors under the project will be informed of the GRM and the procedures that will be involved. These workers will be informed about the procedures during recruitment and in the course of the work.

The GRM handles all types of grievances including those work-related minus those criminal in nature arising from the implementation of all the projects under the MFSRP and the AF.

Examples of grievances that may come from workers include:

- i. Unfair dismissal from work;
- ii. Suspected corruption and theft cases;
- iii. Unsafe working conditions;
- iv. Noncompliance with environmental conditions e.g. poor waste management, sourcing materials without approval etc.;
- v. Lower wages than the minimum set by labour related legislation in Malawi;
- vi. Delayed wages;
- vii. Long Working hours or poor working conditions;
- viii. Child labour;
- ix. Gender-based violence;
- x. Sexual exploitation and abuse; and
- xi. Discrimination.

#### ***7.4.1 Implementation of the GRM***

MFSRP and the AF will facilitate the formation and orientation of the WGRC at the contractor and service provider levels. The WGRC shall have a mandate to record and resolve all labour related grievances at the construction site during implementation. All unresolved grievances shall be referred to the District GRC. Workers' GRC shall also be equipped in the management of GBV/ SEAcases..

#### ***7.4.2 Composition of the WGRC***

A total of six to ten workers with a representation of not less than 40% of either sex.

- Two worker representatives
- Client representative
- Consultant representative
- Contractor representative
- District labour officer

The GRM is operated in five stages as follows;

#### **Stage 1: Complaint uptake**

All the workers present their complaints or grievances to the WGRC. In addition, complaint drop-in boxes are provided in all workplaces to facilitate easy uptake of grievances. Complaints are also to be channelled directly to the following address in writing or by telephone:

- 1) Through Post Office: by sending a letter in any major language of Malawi to the following address:  
The National Project Coordinator,  
The Agricultural Commercialisation (AGCOM) Project  
P.O. Box 30134, Lilongwe 3, Malawi.

- 2) By Phone: By calling, the following toll-free number 2478.
- 3) By Email: emails can be sent to the following address: [grm@agcom.gov.mw](mailto:grm@agcom.gov.mw)

**Table 7-1: Mechanisms to Identify and Receive Grievances**

	<b>Mechanism</b>	<b>Description</b>
1.	Direct contact to the site office	Through phone numbers, letters, email and social media such as WhatsApp, or physically by visiting the site office. Anonymous grievances are accepted by phone.
2.	Contact with WGRC	Workers present their complaints or grievances to the WGRC.
3.	Suggestion boxes	Suggestion boxes are available at the contractor’s camp, engineer’s offices, and local government offices around the project area. This is a potential channel for anonymous grievances for workers and the community.
4.	Exit interviews	GRM should consider introducing exit interviews as a way to gather feedback from employees on issues that they may not have been willing to raise while they were still working for the company.
5.	Information table	Having an information table at the work site on a regular day each week, where workers can ask questions or express concerns, is also a simple and effective way to encourage two-way communication.

The WGRC records all received complaints or grievances in a workers’ grievance log and resolution form. The case is only referred to the district grievance committee only if it has not been resolved at the WGRC. Otherwise, the preferred scenario is to have grievances resolved at the lowest levels possible. Criminal cases are not handled by the respective WGRC but are reported directly to the police.

### **Stage 2: GRM Registry**

All grievances received are publicly entered into an accessible recording system as the GRM registries are maintained by the workers. The workers' log and resolution form are in triplicate. For any case heard, closed or referred.

### **Stage 3: Investigation, Assessment and Response**

When a complaint is received by GRC, the GRM provides that a resolution be provided within fourteen working days. This is so to make sure that grievances or complaints are resolved as early as possible and that feedback is provided to the complainant. Once complaints are received, the WGRC assesses whether the complaint/grievance is related to the project or not. In case, complaints are not related to the project, workers are advised to channel their complaints to the right institutions.



#### **Stage 4: Resolution and Closure**

Where a resolution has been arrived at and the grievant accepts the resolution, the PAP is required to sign the resolution and closure section in the grievance log and Resolution Form Two members of the WGRC (chairperson and secretary) also counter signs. If the grievance has not been resolved at WGRC, the worker has the option of seeking legal redress from civil courts.

#### **Stage 5: GRM Monitoring and Evaluation**

The GRM evaluation can be undertaken alongside any other evaluation exercises for the project. This is possible using copies of registers. The monitoring assists to track whether the GRM system is working efficiently and effectively and informs the project to make any necessary adjustments. The evaluation helps to assess the impact of GRM in response to workers' complaints and whether the GRM principles were met or not during the project implementation.

#### **7.4.3 Grievance Management Timeframe**

Reliable and realistic timeframes are a key part of a grievance management process since they add an element of certainty to the grievance management process and increase trust in the process when they are followed. In adherence to that, the project grievance management process follows the grievance management time frame presented in Table 7-2.

**Table 7-2: Grievance Management Timeframe**

	<b>Process</b>	<b>Time frame</b>
1.	Acknowledge all grievances	Within one week of receiving the grievance
2.	Endeavour to have an initial resolution for a grievance	Within one week of receiving the grievance
3.	For grievances where the investigation is more time-consuming, the grievant should be informed of the situation and the timeframe to be followed	Within three weeks
4.	The first review should aim to be completed	within two weeks of receiving the grievance
5	Second review	Within four weeks of receiving the grievance

#### **7.5 Contractor or Service Provider Management**

It is expected that under MFSRP and the AF, contractors and service providers will be engaged in construction activities. MFSRP and the AF will ensure that OHS requirements are incorporated into the bid documents and contracts. Contractors will be required to develop a contractor's ESMP with an inclusion of OHS issues. The contractor will also develop a code of conduct to be signed by their workers. These requirements will also be included in the bid documents and also reflected in the

contractor's contract. Similarly, it will ensure that issues concerning subcontracting are done with the consent of PIU. In ensuring that there is compliance with the requirements of, labour and working conditions, the project will regularly monitor and evaluate the activities of contractors in line with the MFSRP and the AF Monitoring and Evaluation Framework. The project will also strengthen awareness among workers to ensure that they are aware of their entitlements.

The contractor will be required to provide workers with evidence of all payments made, including social security benefits, pension contributions, or other entitlements regardless of whether the worker is being engaged on a fixed-term contract, full-time, part-time, or temporary. The application of this requirement will be proportionate to the activities and the size of the contract, in a manner acceptable to the Ministry of Agriculture and the World Bank EHS and GIIPs.

- i. **Labour conditions:** records of workers engaged under the project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), and collective bargaining agreements.
- ii. **Safety:** recordable incidents and corresponding root cause analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- iii. **Workers:** number of workers, the indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- iv. **Training or induction:** dates, number of trainees, and topics.
- v. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work (the threats may come from third parties external to the project).
- vi. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

## 7.6 Code of Conduct

The code of conduct aims at preventing and/ or mitigating social risks within the context of the Project. The social risks that may arise include but are not limited to GBV, SEA, SH, child labour, forced labour, non-payment of wages, VAC; HIV and AIDS, COVID-19, cultural diversity and respect, Safety, health and environmental issues. MFSRP and the AF will ensure that contractors develop a code of conduct that will require them and their workers to create and maintain an environment which prevents and/or minimises social risks. The template of the codes of conduct is provided in Annex 4.

## 7.7 Community Worker

The project will likely use community workers in cases where there will be climate-smart agriculture interventions during implementation of Matching Grants under component 3 of the program. Under Matching Grants, there is a requirement that farmers make a 20% in-kind contribution. As such, the labour provided in undertaking CSA activities is costed and included as part of project costs contribution by the farmers. No cash payment is provided to the community workers

## 7.8 Primary Supply Workers

The risk associated with the primary supply associated with the project is assessed in this LMP. All primary suppliers are doing formal business that are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form that screens the supplier regarding compliance with taxes, certification, licensing, and workmen's compensation. A separate form requires that the primary supplier identify the company's permanent staff, and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review is carried out twice annually and requires a Procurement Officer from the Procurement and Disposal Unit to visit the supplier's premises. The supplier evaluation form provides for commercial services to report any labour irregularity observed.

The MFSRP and the AF will also ensure that any primary supplier to the project report fatalities, or severe, or serious injury, and informs government authorities, by national reporting requirements similar to the Project contractor report to the MFSRP and the AF and World Bank immediately within twenty-four hours.

## 7.9 Trafficking in Persons

In regard to trafficking in persons, additional considerations are made due to the immigration status of victims. There must be an assurance of ensuring the privacy of victims. The Director of Public Prosecution is also mandated to provide information to victims regarding safely returning to their country of citizenship or applying for permanent residency or citizenship of a country.

## 7.10 Training Plan

All workers shall be required to be trained on labour issues before being engaged in any of the project activities. These include all categories of workers described in the LMP. Table 7-3 provides the training plan required to be delivered under the project.

*Table 7-3: Training Plan*

Proposed training	Period	Trainer
Training on prevention of child labour, age verification	Half day	PIU and contracted consultant supporting workers

Proposed training	Period	Trainer
Training on dealing with GBV and working with vulnerable groups including indigenous people	1 day	PIU and contracted consultant supporting workers
Training on ESHS measures and plan - (i) conduct a hazard analysis of the work tasks and activities to identify potential OHS risks (ii) prepare preventive and mitigation measure following the mitigation hierarchy (elimination, substitution, engineering controls, administration controls, PPE) (iii) training and communication (iv) OHS objectives and targets (v) health and safety at project sites (vi) include provisions for emergency responses in the OHS plan with a focal contact officer should an accident occur	1 week	PIU and contracted consultant supporting workers

## 7.11 Reporting

Monitoring of ESHS will be done through the preparation of the following reports

**Table 7. 1; Reporting requirements**

Title of Report	Contents of Report	Submission to	Frequency	Responsible
Site Visit Reports	Status of measures being implemented by the contractor.	World Bank	Monthly	<ul style="list-style-type: none"> <li>Environmental safeguards specialist</li> <li>Social safeguards specialist</li> </ul>
ESHS Monitoring Report	Compliance status of the project with the labour management measures	World Bank/ Ministry of Labour / Malawi Environmental Protection Authority	Monthly Bi-annually	<ul style="list-style-type: none"> <li>Environmental safeguards specialist</li> <li>Social safeguards specialist</li> </ul>
Labour related cases/grievances	Number of labour related cases, issues raised, common trends, causes of grievances, remedial actions, redress provided,	World Bank	Bi-Annually	<ul style="list-style-type: none"> <li>Social safeguards specialist</li> </ul>

<b>Title of Report</b>	<b>Contents of Report</b>	<b>Submission to</b>	<b>Frequency</b>	<b>Responsible</b>
	recommendations to prevent future recurrences			
Incident Reports	Incident investigation reports for all major incidents covering details of the incident, root cause analysis, and actions are taken to address	World Bank/ Ministry of Labour	Initial investigation report within twenty-four hours; Detailed investigation report within ten days	<ul style="list-style-type: none"> <li>• Environmental safeguards specialist</li> <li>• Social safeguards</li> </ul>

### **Annex I: Minimum Requirement for Code of Conduct**

#### **Part I: INTRODUCTION**

This code of practice guides contractors who will implement the MFSRP and the AF Project under all components which shall require the recruitment of workers.

All workers must always:

- Take reasonable care of their health and safety,
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
- Comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.

#### **COMMITMENT TO MANAGING RISKS IN CONSTRUCTION WORKS**

Workers shall commit to managing all risks which might affect them. Some of them include:

- Collapse of trenches.
- Falling objects, for example, tools, debris and equipment.
- Hazardous manual tasks.
- Structural collapse.
- The construction workplace itself, including its location, layout, condition and accessibility. The handling, use, storage, and transport or disposal of hazardous chemicals.
- The interface with other works or trade activities.
- The physical working environment, for example, the potential for electric shock, immersion or engulfment, fire or explosion, slips, trips and falls, people being struck by moving plants, exposure to noise, heat, cold, vibration, radiation (including solar UV radiation), static electricity or a contaminated atmosphere, and the presence of a confined space.

- The use of ladders, incorrectly erected equipment, unguarded holes, penetrations and voids, unguarded excavations, trenches, shafts and lift wells, unstable structures such as incomplete scaffolding or mobile platforms, fragile and brittle surfaces such as cement sheet roofs, fibreglass roofs, skylights and unprotected formwork decks welding fumes, gases and arcs.

**SAFE WORK METHOD STATEMENTS(SWMS)**

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All persons who are involved in high-risk construction work must develop and implement arrangements to ensure the work is carried out. All workers who will be involved in high-risk construction work must be provided with information and instruction so they:

- Know what to do if the work is not being conducted with health and safety plan.
- Understand and implement the risk controls in a safety plan.
- Understand the hazards and risks arising from the work.

This information and instruction may be provided during general construction induction training, workplace-specific training or during a toolbox talk by the principal contractor, contractor or subcontractor.

**INFORMATION, TRAINING, INSTRUCTION AND SUPERVISION**

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All contractors and subcontractors must provide relevant information, training, instruction and supervision to protect all persons from risks to their health and safety arising from construction work carried out.

A range of activities can assist in ensuring people have the necessary knowledge and skills to complete the work safely, including general construction induction training and other training that may be specific to the workplace or the task the person is performing.

Information that might be provided includes workplace health and safety arrangements and procedures, such as for emergency evacuations. Information can be provided in various forms, including written formats or verbal, for example during workplace-specific training, pre-start meetings or toolbox talks.

General construction induction training provides basic knowledge of construction work, the work health and safety laws that apply, common hazards likely to be encountered in construction work, and how the associated risks can be controlled. Any person who is to carry out construction work must complete general construction induction training, for example, project managers and engineers, foreman, supervisors, surveyors, and labourers.

**GENERAL WORKPLACE MANAGEMENT ARRANGEMENTS**

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The principal contractor must put in place arrangements for ensuring compliance with the following duties:

- Providing a safe working environment
- Zero tolerance to child labour
- Providing and maintaining adequate and accessible facilities
- Providing first aid
- Preparing, maintaining and implementing emergency plans
- Providing workers with PPE, if PPE is to be used to minimise risk to health and safety
- Managing risks associated with airborne contaminants
- Managing risks associated with hazardous atmospheres including ignition sources I. Storage of flammable and combustible substances
- Managing risks associated with falls, and
- Managing risks associated with falling objects.

The principal contractors may put in place arrangements for ensuring compliance with the above requirements through contractual arrangements, but they cannot rely only on these arrangements to ensure compliance. The principal contractor may also coordinate with other subcontractors, and check compliance whenever the principal contractor attends the construction site.

## **Part II: Code of Conduct for Contractors or Service Provider**

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Each employee including trainee or volunteer of a contractor who has interaction with the project must sign this “code of conduct.”

In this code, “Contractor” shall mean and apply to the contractor, its employees, sub-contractor, officers, agents, representatives or those contracted through the contractor to perform services authorized by the contract. The contractor agrees to adhere to this code of conduct when providing services to this project. The code of conduct is in addition to all other contract requirements, policies, rules and regulations governing the delivery of services. The purpose of the code is to protect vulnerable people from abuse, neglect, maltreatment and exploitation. It clarifies the expectation of conduct of the parties and their employees, which includes administrative staff, care staff, support services staff and any others when interacting with the project.

The contractor, its agents or representatives authorised through it shall not abuse, sexually abuse or sexually exploit, neglect, exploit or maltreat any fellow employees or people from the general public or community. Additionally, no person shall cause physical injury to any other person.

The contractor shall not by acting, failing to act, encouragement to engage in, or failure to deter from will cause any person to be subject to physical or mental abuse, sexual abuse or sexual exploitation, neglect, exploitation, or maltreatment. The contractor shall not engage any person as an observer or participant in sexual acts.

The contractor understands and acknowledges that failure to comply with this code of conduct may result in corrective action, probation, suspension, and/or termination of the contract.

Equally important to realize is that this code also protects any person under the age of eighteen years, and any person eighteen years of age or older who is physically or mentally handicapped or impaired due to mental illness, mental deficiency, physical illness or disability, or other temporary or permanent cause, to the extent that he is unable to care for his safety.

**1) Abuse shall include the following, but is not limited to:**

- Harm or threatened harm, meaning damage or threatened damage to the physical or emotional health and welfare of any person.
- Unlawful confinement.
- Deprivation of life-sustaining treatment.
- Physical injury includes, but is not limited to, any contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, and injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a person's health or welfare.
- Any type of physical hitting or corporal punishment inflicted in any manner upon the body.

**2) Sexual misdemeanours will include, but not be limited to:**

Engaging in exploitive or manipulative sexual intercourse with any person. There will be zero tolerance for sexual misdemeanours including rape, defilement of minors or sexual child abuse, sexual harassment and elopement.

- Taking indecent liberties with a person, or causing an individual to take indecent liberties with a person, with the intent to arouse or gratify the sexual desire of any person.
- Employing, using, persuading, inducing, enticing, or coercing a person to pose in the nude.
- Employing, using, persuading, inducing, enticing or coercing a person to engage in any sexual or simulated sexual conduct to photograph, film, recording, or displaying in any way the sexual or simulated sexual conduct. This includes displaying, distributing, possessing for distribution, selling material depicting nudity, or engaging in sexual or simulated sexual conduct.
- Use of profanities and obscene language in communities or when instructing others.

**3) Neglect may include but is not limited to:**

- Denial of sufficient nutrition to any person.
- Denial of sufficient sleep to any person.
- Denial of sufficient protective gear to any person.
- Failure to provide adequate supervision; leading to drug use in workplaces, accidents and impairment of employees
- Failure to arrange for medical care and/or medical treatment for any person in an emergency.
- Failure to drive courteously at all times, leads to accidents e.g., failure to avoid damage to public property.
- Neglecting public and employee complaints.

**4) Drug abuse may include but is not limited to:**



- Smoke in public or smoking in undesignated areas.
- Consumption of alcohol while on duty or at work.
- Use and trading in narcotics.

**5) Illegal trade activities without necessary licenses:**

- Trade in protected fauna or flora species.
- Trade in ivory or similar regulated wildlife products including game meat.
- Trade in processed, and semi-processed minerals and their ores.

**Financial exploitation will include, but is not limited to:**

Utilising labour without paying for it, or at a non-commensurate financial rate or wage.

**Mistreatment will include, but is not limited to:**

- Physical exercises, such as running laps or performing pushups.
- Unauthorised chemical, mechanical or physical restraints.
- Assignment of unduly physically strenuous or harsh work.
- Failure to behave politely and courteously to the general public.
- Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or forcing people to repeat physical movements when used solely as a means of punishment.
- Denial of any essential service solely for disciplinary purposes.
- Denial of visiting or communication privileges with family or significant others.
- Requiring the individual to remain silent for long periods solely for punishment.

The contractor agrees to document and report abuse, sexual abuse and sexual exploitation, neglect, maltreatment and exploitation as outlined in this code and cooperate fully in any resulting investigation. The contractor shall prominently display a poster, notifying contractor employees of their responsibilities reporting violations and giving appropriate phone numbers.

**Contractor/ Employee/ Volunteer/ subcontractor**

Signed:.....

Date (dd/mm/yyyy):

Name: .....

**Annexe II: Grievance form**

Employee name		Date and time submitted	
Age		Gender (F/M)	
Job title		Employee/worker ID	
Employee Address		Employee contact number /email	
Details of grievance			
Date, time and location of the event		Witness(es) <i>if applicable</i>	
Description of Grievance( <i>provide clear details of the grievance</i> )			
Proposed solution/ Recommendation			
Worker Signature		Date	
Received by: <i>Name and Signature</i>		Date	

### Annexe III: Incident/accident reporting

<b>Accident/ Incident Report</b>		
<b>Particulars of incident:</b>		
Date:	Time:	Location:
Type of incident (please circle below):		
Injury	Illness	Environmental
Notifiable event	Other:	
Reported by:		Phone:
Role in the event:		Email:
The injured person/ Persons Involved:		
Name:		Address:
Witness(s):		
Name:		Phone:
Describe accident/ incident: (space overleaf for a diagram if needed)		
Describe any illness or injury: What part of the body is affected and how?		
Describe any property damage: What damage was caused and how?		
N/A		
Analysis: What do you think caused or contributed to the accident/ incident?		
Prevention: What action has been taken to prevent a reoccurrence?		
Assistant ESHS Officer Signature:		Date completed:
Treatment:		
District Hospital:		Doctor:
Type of treatment provided:		
Notification and Investigation		
Investigation conducted by:		Date:
PICTOGRAM		