



Labor Management Procedure (LMP)



NEPAL: COVID-19 SCHOOL SECTOR RESPONSE (GPE) PROJECT

Government of Nepal (GoN)

**Ministry of Education, Science and
Technology (MoEST)**

**Centre for Education and Human Resource
Development (CEHRD)**

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ABBREVIATIONS AND ACRONYMS:

GoN	Government of Nepal
MoEST	Ministry of Education, Science and Technology
SDDP	School Sector Development Project
CEHRD	Centre for Education and Human Resource Development
GPE	Global Partnership in Education
LMP	Labor Management Procedure
WASH	Water, Sanitation and Hygiene
IT	Information Technology
LG	Local Government
ESS	Environmental and Social Standards
SEP	Stakeholder Engagement Plan
IPPF	Indigenous People Planning Framework
PCU	Project Coordination Unit

BRIEF DESCRIPTION OF THE PROJECT

The SSDP Covid-19 Response Plan is designed to support the implementation of the GoNSSDP parent program and aims at preventing the unintended effects and impacts of Covid-19 in the public sector education of Nepal. The Project will be implemented in about 100 Local Governments (LGs) of the country and the implementation will focus on providing education to the children through technically viable alternative teaching-learning options. The support activities will also include minor civil works such as repair and refurbishment of WASH facilities as well as implementation of mitigation measures that will help reverse the adverse environmental and social impacts caused by Covid-19 pandemic.

The MoEST/ CEHRD is required to plan and implement material measures and actions in accordance with the World Bank's Environmental and Social Standards (ESSs). In compliance with the World Bank's ESS requirements, the Client is obliged to implement various provisions as laid out in the Environmental and Social Commitment Plan (ESCP) which include mainly the Environmental and Social Management Framework (ESMF), Stakeholder Engagement Plan (SEP), Indigenous Peoples Planning Framework (IPPF) and Labor Management Procedure (LMP).

The LMP is developed as a standalone document to identify and manage the potential risks involving labors and their working conditions at various levels of project implementation. The Project Coordination Unit (PCU) at CEHRD is the key implementing partner of this document at the centre whereas the relevant local Education Units (EUs) under the Local Governments (LGs) and the respective public schools and the School Management Committees (SMCs) will be involved in implementing the project activities as well as this LMP on day to day basis. Based on the existing practices, the SMCs will be involved directly in hiring and managing the required human resources including the labors. In addition to labor issues, the LMP also reflects Client's commitment to manage issues associated with the Occupational Health and Safety (OHS) and Community Health and Safety (CHS) which are described in the document.

1. OVERVIEW OF LABOR USE ON THE PROJECT

In view of limited civil works and construction activities, the number of labor requirement is expected to be fairly low in the SSDP Covid-19 Response Project. The anticipated civil works include minor activities such as refurbishment works of water supply and sanitation system, improvement of WASH facilities, waste management, transportation/ hauling and setting up of computer/IT and digital facilities related to address Covid-19 issues in the schools of selected 100 Local Governments (LGs). In this Project, the labor requirements and labor use would be of following categories.

S.No.	Staff /Labor Categories	Types	Remarks
1	Direct workers hired locally on as and when needed basis	Irregular local	Skilled and unskilled labors
2	Contract labors (skilled/unskilled) without involvement of contractors or labor suppliers.	Irregular local/outsidere	Skilled labors like masons, plumbers, carpenters, drivers etc.
3	Direct workers also include staff/consultants involved in Project implementation in CEHRD and local level (Education Unit and schools)	Both regular and contract staff	Professionals and support staff including technicians (IT/digital experts, technicians)

The number of labors to be deployed for the abovementioned works is expected to be minimal not exceeding 500 in total in all schools during the project period for different works supported under Covid-19 Response Plan. Project will deploy contracted and direct workers – skilled and unskilled labors as well as staff and limited technical /skilled persons (IT experts, technicians) involved with project implementation.)¹. Details of labors employed in the Project works will be fully documented as per the template provided in the annex.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The potential risks associated with labor use in the Project are fairly limited given the fact that the Project will use mostly the locally hired direct labors who will be engaged in manual tasks rather than works which require heavy machineries. However, risk not limited to the following Occupational Health and Safety (OHS) of workers require to be carefully assessed and managed by the employers while working for improving the facilities.

- Risks due to hazardous work environment, and accidents (falling from the height, electric shocks, transmission of diseases including Covid-19 pandemic in the work sites and works leading to accidents/death of the workers which may significantly affect the lives and livelihoods of labors and their families).
- Risks of using child labor (male and females below 18 years age) and forced and bonded labor while working in the proposed Project.
- Risks of discriminations of workers on the ground of gender, caste/ethnicities, wage rates, other monetary benefits, use of safety gears and other facilities, and
- Other risks leading to exploitations of labors such as no or delayed payments of wages/salaries as well as risk related to GBV, SEA/SH in the working sites/communities.

The possibilities of occurring the above-mentioned risks will be avoided or minimized by adhering to the code of conducts and complying with the site specific ESMPs developed for each subproject (schools). Potential use of child labor will be prevented through awareness raising measures in the communities and checking the age of labors on their attendance log books which will be maintained

¹ No community or primary supply of workers will be made in this Project.

compulsorily in all work sites. The Project will also be instructed to comply with Covid-19 protocols developed by the Project or relevant Ministry/Departments and local governments.

3. POLICIES AND PROCEDURES

The Government of Nepal (GoN) has formulated and enforced the ‘National Labor Policy 2056 BS. Enforcement of this policy has made it possible for the Nepalese labor sector to take shape towards streamlining the labor sector along with the International Labor Organization’s (ILO) basic guidelines. The national labor policy is aimed to offer opportunities of productive and full employment for the entire workforce available in the country. The Labor Act 2017 (Section 4 above) remains the major legal document which serves as a major guideline to enforce the rules and regulations and back up the national labor policy for the benefit of labors for implementing the activities designed in SSDP COVID Response Project.

Nepal has also ratified ILO Conventions asserting various rights of labor such as Forced Labor Convention 1930 (No .29); Right to Organize and Collective Bargaining 1949 (No. 98); Equal Remuneration 1951 (No.100) ratified in 1976; Discrimination (Employment and Occupation), 1958 (No. 111); Abolition of Forced Labor Convention 1957 (105) and Minimum Wage Fixing, 1970 (No.131); Minimum Age, 1973 (No.138); Tripartite Consultant (International Labor Standard), 1976 (No.144; Worst Forms of Child Labor, (No.182) 1999.

The World Bank ESS2, paragraph 20,proclaims compliance measures to address the issues related to safety risks of labors in the workplace including the use of child and forced labors.

a) BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Both the GoN and World Bank have fairly good regulatory and legislative measures on the use of labor in the construction works. The Constitution of Nepal (2015) fully protects the fundamental rights of labor which is explicit on different aspects of labor issues as follows.

- Rights against exploitation (Article 29);
- Right to clean and healthy environment (Article 30)
- Rights to fair labor practice including appropriate remuneration/wage, facilities and contribution on social security (Article 34)
- Policies relating to labor and employment (Article 51 i).

More specifically, the Labor Management Provisions have been adequately reflected in Labor Act, 2017, Labor rule, 2018, Child Labor (Prohibition and Regulation) Act, 2056 (2000). Child Labor (Prohibition and Regulation) Act, 2000 is the binding legal framework towards prohibiting employment of children in risky activities. According to Child Labor Act a “child” means a minor not having completed the age of 16 years whereas section 3 of the Act stipulates that a child having not attained the age of 14 years is strictly prohibited to be engaged in works as a laborer. As specified in Section 4 of the Act, engagement of child in works as a laborer against his/her will by persuasion, misrepresentation or by subjecting him/her to any influence or fear or threat or coercion or by any other means is fully prohibited. Section 6 of the Act specifies that engaging a child in works must get an approval from the concerned labor office (LO) or any authority or official prescribed by that office and from the fathers, mothers or guardian of the child. In Nepal, the mandatory provision of minimum age by law for hiring labors is 18 years and no children under this age are allowed to

workWorld Bank's ESS2 and ESS4 clearly lay out the potential risks and their management on Labor and Working Conditions and Community Health and Safety respectively. ESS2, paragraph 11 (i.e. wages, deductions and benefits) of World Bank's ESF ensures right, interest, facilities and safety of all types of labors including the issues on child labor and discrimination on wage rates. ESS2 states that a child over the minimum age (14 years unless national law specifies a higher age) and under the age of 18 may be employed or engaged in connection with the project only under specified conditions. Nepal Labor Act 2017 (5) clearly states prohibition on employment of children and the mandatory provision of minimum age by law for hiring of labor is 18 and no children under this age are allowed to work in the project.

b) BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

GoN Labor Act 2017 Section 7 of Labor Rule 2018 are guiding legal documents on labor and their working conditions including the SSDP COVID 19 Response Project. The Act spells out stringent measures against the violation of labor rules and norms. The actions taken for violating the rules include fines, imprisonment or both for discrimination, hiring workers without the appointment letter or employment agreement, use of forced and bonded labor, delayed or low salary/wage payment and/or non-compliance of rules established by the Act and Rules. In case of failing to comply the rules, the Labor Court can order the employers/entities to make payment or pay compensation (salary/wage, allowance, and other benefits) to the labors as per the law. It can also indemnify the bonded labor and ask the employers for paying the amount double of remuneration, allowance and other facilities. The Act ensures equal opportunity and non-discrimination at work, timely payment of wage, minimum wage rates, overtime work etc. The PCU at the federal level and EU at local levels will be primarily responsible to raise awareness on the prevailing rules and norms to the Project workers empowering their collective bargaining for their benefits.

Similarly, ESS2 of the World Bank details out the working conditions of labor deployed in the project activities all of which are important to protect the interest of labor against potential risks related with various health hazards in the work sites. These legislations comprise provisions to ensure the safety and health of all employees and labors including mitigation of health-related risks due to the exposure in the workplace. The OHS measures and compliance requirements include mainly the followings.

- Information dissemination on OHS policy at workplace including responsibility of employers towards worker i.e facilities, personal protective equipment and OHS related communication, orientation and knowhow.
- Assurance of non-discrimination among labors based on caste/ethnicity, gender, religion, language, origin and ideology.
- Special provision for OHS factors such as eye protection, protection against harmful chemicals and other risks in the sites.
- Information sharing with respective Labor Office (LO) against accident, fatality and diseases due to work and provisions for treatment and prevention of communicable diseases.
- Specific requirements in workplace such as health and safety measures, proper sanitation and cleanliness, reasonable levels of accommodation (if required), proper light and temperature, solid waste management noise control measures, healthy drinking water, bathroom or modern toilet, mandatory medical check-up.
- Provision of onsite first aid and primary health care facilities.

- Measures to ensure Community Health and Safety (CHS) including risks of accidents and risks related to violence and potential conflicts between locals and labors.

4. TERM AND CONDITION OF LABOR EMPLOYMENT IN SSDP COVID-19 PROJECT

In case of this Project, civil works include minor activities such as refurbishment works of water supply and sanitation system, improvement of WASH facilities, waste management, transportation/ hauling and setting up of computer/IT and digital facilities. However, these activities may not be applied in every school of selected 100 LGs, but can be expected in some schools. Thus PCU, EUs and Schools have to provide the protective gears, minimum wage, date time and schedule of work and facility to register complaints. The local bodies will be required to furnish this information to PCU at the CEHRD and also the World Bank whenever requested.

In Nepal, the mandatory provision of minimum age by law for hiring labors is 18 years and no children under this age are allowed to work. The employers, in this case, are PCU, EUs and selected schools in different municipalities who need to monitor the labors employed for implementing the activities supported by Covid-19 Response Project with the terms and conditions, however, not limited to the followings.

- Labor and Working Conditions including comprehensive commitment plan for labor and working condition; records of workers engaged under the project, including work and workers' category, contract documents, working hours, actual worked days, remunerations and payment mode, etc.
- Evidence such as birth certificate or citizenship documents need to be maintained by the Project to demonstrate the age and other details of labor. The Project Authority is advised to maintain the logbooks in working sites revealing information such as name and gender of the workers, age of the workers, attendance of workers, worked time/hours etc.
- Occupational Health and Safety of workers covering safety measures in the working sites; records of any accidents; compliance of safety measures and protocols; community health and safety measures and their compliance.
- Worker's Grievances and Disciplinary Procedure including grievance redress mechanism (GRM); grievance filing procedures; up-taking individual and group grievances; grievance hearing procedures and resolutions; grievance redressing timeframe; responding the complainants on the decisions and actions taken as well as grievance reporting in regular progress reports.

A written term of conditions in local language will be provided to the workers and those will be explained during the briefing session. All the workers employed in the Project works will be made fully aware of the terms and conditions as specified in this document.

5. RESPONSIBLE STAFF

The construction or improvement works are expected to take place in the schools supported under Covid-19 Response Project. The works will include minor civil works such as repair and maintenance of WASH facilities and fixing or installation of teaching-learning facilities including free internet connections in the schools, online training of teachers, free Wi-Fi in the schools and communities. At PCU, the Administrative Officer/Staff will be responsible for maintaining and

supervising the works as well as settling payments and other issues of the workers as per the agreed terms and conditions.

All local level, the local government staff based in Education Unit (EU) or/and the School Management Committees (SMCs) and staff/teachers in the schools will be responsible to implement and oversee the labor management, labor issues and their resolutions. Specifically, the employers (EU staff and teachers) involved in hiring labors/workers will be responsible to implement LMP which will include activities involving: recruitment, engagement and management of project workers. The employers will also be responsible to implement Occupational Health and Safety (OHS) and Community Health and Safety (CHS) in coordination with other stakeholders (local government, schools, communities etc). In order to implement the activities efficiently, the Project staff/team will maintain different information of labors as described in section 4 above.

6. GRIEVANCE MECHANISM

The School Management Committees (SMCs) are the key actors involved in managing a wide range of activities in the public schools of Nepal. Key activities of SMCs include mobilization of resources and arrangement of essential facilities in the schools as well as undertaking minor repair and maintenance works that are expected to take place under Covid-19 Response Plan. The committees, who constitute members from the communities including parents, women community members as well as teachers from the schools, are quite active in day to day operations of the schools. These committees will also be accountable to hear and resolve the grievances of labors employed under the proposed Project. In order to discharge the grievance handling tasks efficiently, the SMCs will perform the grievance managing procedures systematically: a) receive and register all grievances communicated/submitted verbally or in writing through telephone hotlines/toll free numbers, SMS of project staffs and labors b) review and investigate grievances and take proper decisions /actions on the grievances received from the labors, and c) respond to the complainants on the final decisions or actions taken on the grievances filed.

7. CONTRACTOR MANAGEMENT AND MONITORING

The Project will not involve any formal contractors. The SMCs, based on their existing practices, will be responsible directly for hiring, supervision and monitoring of the workers on as and when required basis. No community / user groups or contractors or labor suppliers will be involved in the process.

ANNEX

Annex 1: LMP Template for keeping labor records

Items:	Description	Remarks (Specify where need)
1. Type of labor employed for civil works	Contracted works/community worker	
2. Number of workers	Male: Female:	
3. Characteristic of labor (Nos)	Unskilled.....Skilled.....Semi skilled	
4. Terms of condition of contracts	Leave entitlement/wage, daily, weekly or monthly/	
5. Occupational health and safety (OH)	Fall prevention and working at heights/emergency response procedures/Excavation safety/ladders/welding and cutting safety/construction PPEs etc.	
6. Records of OHS violation		
7. Workers payroll records		
8. Avail of workers code of conduct		
9. Labor camp cleanness/Waste management, spoil disposal etc.		
10. Child labor (including name, gender, age, work details etc)		
11. GRM for labor		
12. Others, if any		