

Enhancing Landscape and Ecosystem Management Project
(P179935)

Labour Management Procedures (LMP)
ELEMENT Nagaland Project

MAY2025

The Labour Management Procedures (LMP) sets out the way in which project workers would be managed, in accordance with the requirements of National and State's regulations along with World Bank's Environmental & Social Standards. Accordingly, LMP for the ELEMENT has been developed in adherence to applicable National/State regulations and World Bank's Environmental & Social Standard (ESS 2).

The prime objectives of the LMP includes:

- To promote safety and health at work.
- To promote the fair treatment, non-discrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, migrant workers, contracted workers and primary supply workers, as appropriate.
- To prevent the use of all forms of forced labour and child labour.
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

A. OVERVIEW OF LABOR USE ON THE PROJECT

The project will be implemented by Society for Climate Resilient Agriculture Nagaland (SoCRAN) for coordination and implementation of externally aided projects in landscape and ecosystem management sector. Labour needs for the development of the ELEMENT Nagaland project will include the establishment of State Project Management Unit (SPMU) with its project implementation units located at the Zonal units (3) and in the Districts (15), consultants and firms to undertake professional services for the preparation, development and implementation of the technical components and contractors to undertake civil works relevant to the project requirement and locations.

The SoCRAN designated as the State Project Management Unit (SPMU) for ELEMENT Project. The SPMU will be headed by the Mission Director (MD) and the Project Director (PD) will be responsible to coordinate, manage and monitor the overall project implementation with the project teams at SPMU, Zonal Management Units (ZMU) and District Coordinators (DC) who will be responsible for overall implementation of the project in the State

Type of Workers

The project is expected to involve Direct Workers, Contracted Workers, Primary Suppliers and Community Workers.

Direct Workers will comprise of project staff hired by the SPMU for ELEMENT Nagaland Project (SoCRAN) as per requirement in the Human Resources Manual.

Contracted Workers will include contracted workers employed as deemed appropriate by contractors and sub-contractors under the activities that involve construction, refurbishment and installation works. The civil work will be undertaken by the civil contractor/sub-contractor for ELEMENT Nagaland Project. Given the scale of civil works expected under the project, skilled,

semi-skilled and unskilled workers will be hired by the contractors on a need basis or intermittently.

Primary Suppliers will be engaged as the project may require the use of primary suppliers for the equipment and materials needed for civil works. The primary supply worker related provisions of ESS2 would apply to those primary suppliers with whom the project will have a significant and ongoing relationship with. However, the relevance of primary supply workers will be known once the scope of the DPRs for the landscape management is defined.

Community Workers are included in the project in several different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development

Where government civil servants are working in connection with the ELEMENT project, whether full time or part time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to such workers, except for the provisions of Para 17 to 19 (Protecting the Work Force) and Para 24 to 30 (Occupational Health and Safety) under World Bank ESS-2 on Labor and Working Conditions.

B. ASSESSMENT OF KEY POTENTIAL LABOR RISK

1. Employment practice that are not compliant with either labor law or ESS 2. For example, not providing written documents of assignments, wages not proportionate with tasks performed, excess workload without provision of adequate rests and leisure, lack of hygiene facilities, discrimination towards women and labor with disability, unlawful termination and withholding of benefits, etc.
2. Lack of Occupational Health and Safety (OHS) practices and procedures during construction and operation resulting in unsafe work environment.
3. Short and long-term effects on health due to over exposure to dust, noise levels, and exposure to chemicals /hazardous wastes.
4. Absence or inadequate or non-responsive emergency response mechanism for rescue of workforce, during natural calamities like cloud bursts, landslides, disasters due to earthquake/floods/fire outbreak, etc. at work/subproject sites.
5. Lack of adequate sanitation and health facilities at the work/ subproject sites.
6. Community health and safety issues, especially rise of communicable diseases, including Malaria and Cholera to the workforce and staff.
7. The conduct of hazardous work, such as working at heights or in confined spaces, use of heavy machinery, or use of hazardous materials.
8. Generation of solid, liquid and faecal wastes, especially around labour camps and toilet area.
9. Other project related risks may include of child and forced labour by primary suppliers and use of unscrupulous labour practices, and denial for workers' rights to form workers organizations, etc. (particularly for unskilled construction workers/labour), etc. Based on expected project activities and the sector of work, the risk of child or forced labour is not significant. However, the project will put in place mitigation measures to prevent and

prohibited child and forced labour in accordance with Indian laws. Workers below the age of 18 will not be hired to work in sub-projects. To confirm that workers are below the age of 18 years, workers will need to provide legally recognized documents such as Aadhaar or Birth Certificate before engaging for work.

10. Increased competition over resources due to influx of labour; labour conflicts and work conditions: The exact number of skilled, semi-skilled and unskilled labourers required for the construction works is not yet clear and can only be determined once the detailed design/DPRs are prepared. Preliminary assessment indicates that demand for skilled workforce is largely unmet locally and are thus brought in from outside the state. Whereas for small and unskilled work, labour is mobilized locally, and some labourers are anticipated from other districts. It is expected that priority will be to hire local labour; hence, risks associated with labour influx for this project are low-to-moderate. Labour influx may also pose infection risk from the community as well as to the community that also need to be managed through personal hygiene, workplace sanitation and hygienic practices during construction work.
11. Rise of incidence of Gender-Based Violence GBV (Sexual Harassment (SH), Sexual Exploitation, and Abuse (SEA), Rape and Discrimination) emanating from the labours: Risks of SEA/SH may arise under three circumstances: (a) risks of SEA/SH to labour workers, particularly women and children by contractors' workers during construction or work period; (b) risks of workplace SH at all project establishments by co-workers under the project; and (c) risks of SEA/SH women in NTFP/HVFP and other value chain activities. All employers including contractors will be required to ensure all workers (including those of sub-contractors) sign a Code of Conduct (CoC) to mitigate the risks of SEA/SH, contractors and workers receive awareness training on SEA/SH related issues. There are some risks associated with community health such as exposure of communities and beneficiaries to pollution, exposure to harmful chemicals or residues, communicable diseases, and SEA/SH, however, these will be addressed through appropriate mitigation measures.

C. CATEGORIES OF PROJECT WORKERS

The guidance on the terms and conditions of employment/engagement for all categories of workers is presented below:

Type of Worker	Description
Direct Workers	The direct workers are governed by the employment terms and conditions of existing norms, as defined by the SPMU in the Terms of Reference and Contracts of personnel hired from the market based. The project will ensure that all direct workers have clear contracts and conditions of work, including terms of employment, wages, entitlements, working hours, leave and benefits, mechanisms for handling grievances based on requirements under ESS2 and National/State Labour laws. ¹

¹The chapter on Legal and Policy Framework reviews all labour and employment laws relevant for this project. Further, central government recently enacted the four Labour Codes, namely, the Code on Wages, 2019; the Industrial Relations Code, 2020 (IR Code); the Code on Social Security, 2020 (SS Code) and the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code).

Contracted workers	These will include (a) Construction and civil workers, their supervisors and managers hired by civil contractors; and (b) Consultancies hired for technical support. These contracts will be governed by all ESS2 requirements and applicable labour and employment laws/regulations set out in their contracts.
Primary Supply Workers	The project will need procurement of equipment and materials from suppliers for civil works. The primary suppliers of construction material to the project will be oriented to ensure that they do not engage child, forced or bonded labour and apply all measures to ensure workers safety, in line with provisions of ESS2.
Community Workers	Project will include the use of community workers in several different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development.

D. BRIEF OVERVIEW OF LABOR LEGISLATIONS

The key occupational health and safety guidelines specific to dealing with construction workers is provided in the Building and Other Construction Workers (Regulation of Employment and Condition of Services) Central Rules, 1998 and the corresponding relevant State Labour and Employment laws such as the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act 1996 referred to as BOCW (RECS) Act 1996 for construction workers, Nagaland Minimum Wages 2019, Nagaland Child and Adolescent Labour (Prohibition & Regulation Rules 2024). Whereas Occupational Health and Safety requirements for workers are embedded in the Occupational Safety, Health and Working Conditions Code, 2020, an act of Central Government and draft of the Nagaland Occupational Safety, Health & Working Conditions Rules, 2023²

F. POLICIES AND PROCEDURES

Policy and Procedure for Direct Workers: The following procedures would be applicable for direct workers e.g., SPMU staff:

- For this project, the minimum age of employment will be 18 years. This rule will apply to all direct workers.
- Separate male and female toilet facilities will be provided at all project offices.
- Drinking water will be available at all project offices.
- All project offices will be free of pests. Where pests are detected pest control measures will be taken immediately.
- Fire detection and firefighting equipments will be available at all project offices. Emergency evacuation plan will be established for all project offices and staff will be made aware of the plan and periodic training exercises that needs to be implemented.

The project will refer to relevant State labour and employment laws such as the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act 1996 referred to as BOCW (RECS) Act 1996 for construction workers, Nagaland Minimum Wages 2019, Nagaland Child and Adolescent Labour (Prohibition & Regulation Rules 2024).

²<https://labour.nagaland.gov.in>

- Equal training opportunity will be available to all staff working in the project without discrimination, based on gender or otherwise, as specified in the employment conditions.
- Orientation training on safety and health in construction worksites including emergency procedures. Provision and training in the usage of Personal Protective Equipment (PPE) during site visits. Safety of women from any sexual exploitation and abuse (SEA) and sexual harassment (SH) and mechanism to access project redressal services.
- Equal remuneration, childcare, flexible work hours, creche facilities, segregated toilets and other amenities as mandated by law.

Policy and Procedure for Contract Workers for Civil Works: The key procedure at the construction site includes as follows:

- Equal pay/wage for men and women laborers.
- No child labour and/or forced labour will be employed at construction site/s for all works
- All laborers to be provided with photo ID cards for accessing the construction site.
- Personal Protection Equipment (PPE) such as safety helmet and shoes, secured harness when working at heights, electrical gloves, eye protection for welding etc., for all workers without which entry to the construction site shall not be allowed.
- Steps necessary to prevent GBV, SEA/SH and any discrimination based on religious, social, political and/or sexual orientation.
- Facilities to be provided at the labor camp (if setup):
 - Hygienic living conditions and safe drinking water
 - Segregated toilets for male and female workers
 - Crèche facilities
 - Use of fireproof wiring and good quality electrical appliances
 - Cooking gas and/or electric/induction plate for each labor household
 - Monthly/weekly health checkup to be organized at the camp for all labors/family.
 - Awareness campaign for gender sensitivity, general health and hygiene
 - Posters and signages at/around the site, with images and text in relevant local languages relating to personal safety, hygiene and any health related symptoms and guidelines.
 - Security measures to be provided at the camps which may include fencing, locks, alarms, pass card systems, badge and pass system, access points, safe transport of personnel as appropriate.
 - Emergency response plan and training including availability of assembly points and mock drills.

The measures proposed in a site-specific Action Plan for managing construction related workplace occupational health and safety for all related civil works.

The ESMF refers to EHS guidelines³ that detail management/ mitigation provisions under the project. The Environmental and Social Management Plan (ESMP) templates provided in the ESMF lay out details on mitigation measures for occupational health and safety (OHS) as well as Community Health and Safety (CHS).

³<https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-en.pdf>

Civil works contractors' workers will be managed by the contractors and their terms and conditions must be consistent with the WB ESF (ESS2), GoI laws and regulations. As a minimum standard for workers under civil works contracts (including subcontractors) the provisions and codes of conduct outlined in the Contractors Environmental and Social Management Plan (CESMP) will provide the minimum standards required. OHS, GBV/SEA and SH and general worker behaviour are managed through the ESMPs.

Minor incidents will be reported directly to ZMU and then to SPMU on monthly basis and will be reflected in quarterly reports, and serious accidents and incidents will be reported immediately and will be flagged to the World Bank within stipulated timeframe in the ESCP. Given that most labour related risks and impacts results from actions of contractors, mitigation measures will be largely implemented by contractors. The SPMU will incorporate General and Specific Conditions into bidding documents and contracts, including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware of their obligations and are contractually obligated to comply with them. The PMC will enforce compliance with these clauses. In case of any project related incident / accident, the SPMU shall report the matter to the World Bank within 24 hours and undertake Root Cause Analysis followed by Corrective Action Plan as stipulated in the ESIRT Guidelines 2023 of the World Bank.

Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH)

A Code of Conduct (CoC) applicable to (a) staff at all project levels, (b) construction workers, and (c) other project employees will be adopted and adhered to. The CoC will commit all personnel to acceptable standards of behavior. The CoC will include sanctions for non-compliance, including termination or even revoking of the contract. It should be written in plain language and signed by each worker. A copy of the CoC will be displayed in a location (hospital premise or construction sites) easily accessible to the community in the local language. Personnel will also receive awareness training on GBV/SEA/SH. The project's GRM will also include a channel to allow GBV and SEA/SH-related grievances to be received and addressed. All establishments (employing more than 10 employees) are mandated by the Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) to form an Internal Complaints Committee (ICC) to address workplace related SEA/SH complaints. Thus, allemployers including contractors as per the Act must ensure that the contact information of ICC is displayed in the office and that regular trainings/orientation programs are organised for staff and ICC members. Please see SEP for details related to GRM. SEA/SH related processes will be overseen by the Social Expert within the SPMU and monitored on the ground by the Environment Experts and Social Experts within the PMC.

G. Age of Employment

In accordance with the Constitution of India, no child below the age of 14 years shall be engaged in any hazardous employment. Employment of children below 18 years of age will be strictly prohibited. Contractors will be required to verify and identify the minimum age of all workers through government identification documents, like birth certificate, ration card, Aadhar card and

other national identification cards, passport and if in doubt clinical, anthropometric measurements will be taken to ascertain their age.

H. Terms and Conditions of Employment

Specific Wages

- **Direct Workers:** The Direct Workers engaged for ELEMENT Project are government officers, whose salary and other emoluments will be in conformity to the Rules and Regulations as issued by the Department of Personnel and Administrative Reforms (P&AR), Government of Nagaland.
- **Contracted Workers:** The wages of consultants/personnel deployed by the SPMU for consultancy firms for various studies, are contracted services and determined through competitive bidding (technical and financial) procedures and determined by prevalent market rates and normally expected to be higher than State government wages.
- The wages of technically qualified, skilled, unskilled workers, to be engaged by the Contractor are determined by the Department of Labour and Employment, subject to the provisions of Minimum Wages Act, 1948. There will not be any discrimination of wages paid to male and female workers and same wages will be paid for equivalent work to all workers in conformity with the provisions of the Equal Remuneration Act, 1976.
- **Community Workers.** The community workers will be paid outcome aligned incentives. Community Workers collecting data will be doing so on voluntary basis.

Work Hours and Maximum Number of Work Hours -The Direct workers at the SPMU and concerned Department workers will work as per State Government Rules, which will follow the relevant notification by the Department of Personnel and Administrative Reforms (P&AR), Government of Nagaland. The work hours for contracted workers will not be more than 8 hours per day 48 hours per week with 2nd and 4th Saturdays as official holiday.

Specific Terms and Conditions -The following terms and conditions will need to be added to the contracts issued by contractors to the workers:

- No contracted worker will be required or allowed to work continuously for more than five hours unless he had an interval of rest of not less than half an hour.
- The working day of contracted workers will be so arranged that inclusive of the intervals of rest, if any will not spread over more than twelve hours on any day.
- Subject to provisions of Building and Other Construction Workers (Regulation of Employment and Conditions of Services), every worker will be allowed a day's rest every week, which will ordinarily be Sunday, but the contractor will fix any other day of week as the rest day.
- No worker will be made to work on any day, which has been notified by Central or State Government in the official Gazette as a Gazetted holiday or any day, which is declared as National Holiday.
- All categories of contract workers particularly unskilled workers can be directly engaged by the contractor or sourced through labour contractors. In such cases, the labour contractor shall have valid registration and licence with the competent authority.
- All wages to contracted workers, especially for unskilled workers are to be paid directly by the contractor, even if the unskilled workers are engaged through labour contractors or any sub-contractors. All payments to the labourers will be done directly by the main

contractors instead of routing through labour contractors. If not, the main contractor confirms to the PIU, on a periodic basis, that payments be made in time to all workers and keeps payslips for monitoring purposes.

- Any denial in and/or untimely payment of wages to workers will render the contractor liable to an action before the relevant Labour Court/Industrial Tribunals under the Legislations mentioned above.
- Conditions of employment for skilled and unskilled workers will conform to Building and Other Construction Workers (Regulation of Employment and Conditions of Services)

- Under no circumstances, child labour or forced labour (in any form) shall be engaged, as these are prohibited under National and State Government Norms.
- Contractor will also be liable to be prosecuted in his personal capacity under the provisions of Indian Penal Code 1860 and other Penal legislations before criminal courts in case of gross negligence and dereliction of duty or contraventions of any such statute resulting in death or injury of the workers.

Grievance Mechanism - Typical workplace grievances include demand for employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. It requires establishment of a separate grievance mechanism for project workers (direct workers and contract workers), as required in ESS-2 and which will also address labor-related SEA. Handling of grievances will be objective, prompt, and responsive to the needs and concerns of the aggrieved workers. Different ways for workers to submit their grievances will be made available, such as submissions in person, by phone, by email or by complaint registers. The grievance raised will be recorded and the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work environment.

The grievance mechanism for workers are as follows:

- i. Direct Workers: The Project Director (PD) with the Dy. Project Directors (Dy.PDs) will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the State Government, Government of India Rules and Regulations.
- ii. Contract Workers: The contractor of respective construction packages will be obligated to set up a GRM, especially to redress complaints relating to workers deployed for construction works. The official designated by the project is also responsible for overseeing the mechanism of GRM function. The mechanism will function under the respective SPMU, ZMU, district level and contract workers. The mandate for GRM, institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalized during the approval of ESMP by PIUs. The GRM for the workers will be set up during mobilization phase of the contractor. The contractor will also be responsible for tracking and resolving workers grievances and maintain records about grievances/complaints received, minutes of discussions, recommendations and resolutions made thereof and intimation of resolution of grievance to the complainant.
- iii. The consultancy agencies that have been contracted by SPMU will ensure that they have established/ functioning GRMs to address respective workers' concerns. Also, for primary suppliers, the respective vendors will be furnishing details of GRM that addresses workers grievances, SPMU shall periodically seek such information/confirmation from them.
- iv. Community Workers: For the community workers, the community level GRM at the field level at the respective division will be applicable.

Workers will also be able to submit their grievances through the District Labour department, whose address and contact telephone numbers will be prominently displayed by contractors for the visibility of all workers at all worksites.

Dissemination of information on GRM: Information relating to the availability of GRM without any retribution, its institutional set up, timings and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be disseminated to the workers on a regular basis. Some of the GRM dissemination avenues are:

- During induction training for new workers
- During Toolbox meet/briefings by work supervisors
- During periodic tail gate sessions, to review and refresh site protocols on safety procedures at work.
- Through pictorial illustrations and posters in local language installed at prominent places like entry/exit points, canteen, entertainment areas, health camp sites etc.
- During awareness campaigns for safety at work and response to Emergency Response Plans
- Awareness and briefing on community safety, while at work

All contractors (employing more than 10 employees) are mandated under the POSH Act to set up an Internal Complaints Committee (ICC) in their organisation to address complaints of sexual harassment. A complainant facing sexual harassment working in an organization that has less than 10 employees can file a complaint to the Local Complaints Committee (LCC) setup in each district by the ELEMENT District Coordinator with the district administration.

For project workers and SPMU staff, the grievance mechanism detailed in the Stakeholder Engagement Plan (SEP) will be applicable.

E. RESPONSIBILITY FOR LMP IMPLEMENTATION

The overall responsibility of LMP implementation rests with the Dy. Project Director (Dy. PD 1). The SPMU will also be supported by the Environment Expert and Social Expert appointed by the ELEMENT-SoCRAN. Both the SPMU and PMC will be responsible for the following:

- Ensure that civil works contractors comply with these labor management procedures, and also adhere to occupational health and safety measures.
- Ensure the responsibilities of the contractors are developed in line with the provisions of this LMP and the project's ESMF for OHS and certain environmental protection provisions e.g., hazardous and other wastes and emissions management.
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted (and sub-contracted) workers, including implementation of LMP.
- Monitor health facilities to ensure that all occupational health and safety provisions at construction facilities are being implemented
- Monitor incidents and accidents including GBV, SEA/SH, injuries, illnesses, and accidental spills etc, monitor and implement training on LMP and OHS for all project direct workers, contracted workers, primary supply workers and community workers.
- Ensure that the grievance redress mechanism for the project is established and implemented, and workers are informed of its purpose and how to use it.

- Have a system for regular monitoring and reporting on labour and occupational health and safety performance.
- Monitor implementation of the Code of Conduct applicable to all workers.

The Contractors for civil works will be responsible for the following:

- Complying with the requirements of the National and State legislations, labour management procedures, including those by their sub-contractors.
- Maintaining records of recruitment and employment process of contracted workers.
- Clearly communicating the job description and employment conditions to the workers.
- Having a system for regular review and reporting on labour and ESHS performance.

The standard clauses for inclusion in civil works contracts include (but not limited to):

- The general obligations of the contractor with respect to maintaining the health and safety of the workers.
- Preparation and implementation of a site-specific Action Plan for managing construction related workplace occupational health and safety
- Ensuring no child labour and/or forced-bonded labour for any works.
- Equal pay/wage for men and women labourers, including registration and insurance.
- All labourers engaged at construction site to be provided with the required Personal Protection Equipment (PPE) and regular health check-ups etc.
- The construction sites to be provided with adequate barricading and safety signage.
- Providing health and safety training/orientation for all workers and staffs involved in civil works.
- Steps necessary to prevent worker harassment or discrimination, including sexual exploitation and abuse, sexual harassment (SEA/SH), gender-based violence (GBV).
- Basic facilities at worksites segregated toilets, canteen, drinking water, creche facilities (if required), etc.
- Establishing Grievance Redress Mechanism (GRM) for workers for any complaint/grievance received from workers and ensuring workers' awareness about GRM.

Issues	Responsible Authority
Minimize labour influx	Construction Contractor
Effective GRM for community and labour	SPMU, ZMU, District Coordinators
Code of Conduct for Labour	PMC and Construction Contractor
Health and Safety Management	Construction Contractor
Labour Management and Labour Influx Plan development	PMC and Construction Contractor, SPMU, ZMU, District Coordinators
Effective Supervision	SPMU, ZMU, District Coordinators supported by PMC
Ensuring Labour Camps and sites are properly managed and systems for them in place	SPMU supported by PMC – contracts to have appropriate clauses.
Post construction rehabilitation of labour camp sites	PMC and Construction Contractor- contracts with appropriate clauses