

**MULTIDISCIPLINARY EDUCATION AND
RESEARCH IMPROVEMENT IN TECHNICAL
EDUCATION**

(MERITE)

LABOR MANAGEMENT PROCEDURES

(LMP)

July 19, 2022

(Revised Report)

**Department of Higher Education
Ministry of Education (MoE)
Government of India**

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List of Abbreviations

Abbreviations	Details
AICTE	All India Council for Technical Education
CoC	Code of Conduct
CoE	Centre of Excellence
CoSS	Code on Social Security
COVID-19	Coronavirus Disease
CPA	Central Project Advisor
CPGRAMS	Centralized Public Grievance Redress and Monitoring System
CPWD	Central Public Works Department
CRF	Collaborative Research Fund
CTGRAMS	Centralized TEQIP Grievance Redress and Monitoring System
DG	Diesel Generator
DHE	Department of Higher Education
DoPT	Department of Personnel and Training
DST	Department of Science and Technology
ESCP	Environmental and Social Commitment Plan
ESF	Environment and Social Framework
ESHS	Environment Social Health and Safety
ESMF	Environment and Social Management Framework
ESMP	Environmental Social Management Plan
ESS	Environmental and Social Standards
GBV	Gender Based Violence
GoI	Government of India
GRM	Grievance Redress Mechanism
HEI	Higher Education Institutions
ICT	Information and Communications Technology
IPC	Indian Penal Code
IPR	Intellectual Property Rights
IT	Information Technology
LMF	Labor Management Framework
LMP	Labor Management Procedure
MERITE	Multidisciplinary Education and Research Improvement in Technical Education
MIS	Management Information System
MoE	Ministry of Education
NEP	National Education Policy
NOC	Non-Objection Certificate
NPD	National Project Director
NPSHEW	National Policy on Safety, Health and Environment at Workplace
NSC	National Steering Committee
OHS	Occupational Health and Safety
PDO	Project Development Objective
Ph.D.	Doctor of Philosophy
PIP	Project Implementation Plan

PIU	Project Implementation Unit
PPE	Personal Protective Equipment
QA	Quality Assurance
R&D	Research and Development
ROW	Right of Way
RTI	Right To Information
SEA	Sexual Exploitation and Abuse
SEDG	Socially and Economically Disadvantaged Groups
SH	Sexual Harassment
SOP	Standard Operating Procedure
SPIU	State Project Implementation Unit
STEM	Science, Technology, Engineering, and Mathematics
TEQIP	Technical Education Quality Improvement Program
TSG	Technical Support Group
UMANG	Unified Mobile Application for New-age Governance
URN	Unique Registration Number
WB	World Bank

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1. Executive Summary

The Government of India (GoI) in assistance with the World Bank is providing support to the select Indian states to improve the quality and governance of technical education. Multidisciplinary Education and Research Improvement in Technical Education (MERITE) complements the National Education Policy (NEP) 2020 and addresses quality, relevance, equity, access, and governance issues. Project interventions will include a tailored package of activities to enhance the educational environment and improve employability skills through advancements in learning structures (student support services to improve equitable access, skills, and transitions to the labor market), enhanced governance, and accountability at the institute and system level.

The Project is being prepared under the World Bank's new Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank's Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The Project recognizes the significance of and adopts the ESSs to identify and manage the environmental and social risks and impacts of this investment project.

The Labor Management Procedure (LMP) for DHE, MERITE Project has been prepared to meet the objectives and requirements of ESS 2 and ESS 4 as well as the national Labor Law. This LMP assesses the potential risks and impacts of the assignment of labor for the implementation of Components 1 and 2 of the MERITE Project by DHE and addresses them through mitigation measures in light of ESS and Labor policies and provisions.

Various types of workers (Direct, Contracted, and Primary Supply workers), their estimated numbers, characteristics, etc., have been set out in this LMP. Critical potential environmental and social risks—such as unscrupulous labor practices, OHS, community risks, waste generation, risk of GBV, child exploitation, and forced labor have been identified. Given the nature and size of the project, the potential Environmental and Social (ES) risks and impacts, the capacity of the implementing agency to manage and mitigate the ES risks, and the context under which the project is being implemented, the ES assessment has set the project risk classification as Moderate.

Provisions of ESS, The Contract Labor (Regulation and Abolition) Act, 1970, The Child Labor (Prohibition and Regulation) Amendment Act, 2016, etc., have been thoroughly studied and cited to meet their requirement and obligations. Major points of consideration that include Conditions of Employment, OHS, child/Forced Labor, etc., have also been referred to as guidelines.

The project, in general, will discourage the recruitment of children and practices of forced labor. It will primarily follow the national legislation. Furthermore, it will arrange for awareness-raising activities added with periodic monitoring to ensure that the standards set in this procedure are followed.

The LMP, with due importance, has incorporated the issue of Occupation Health and Safety ensuring appropriate implementation of the ESS4. The issues related to the safety of project communities exposed to the project activities and others pertain to the exposure and/or increased risks of diseases by the community due to the influx of people during construction and operation. The project includes a component on response to COVID-19 given the pandemic situation.

A Grievance Redress Mechanism (GRM) for labor has been worked out so that any potential dissatisfaction, concerns, or notice can be raised by anyone employed by the contractor.

A Labor Management Plan (LMP) will be developed and attached with the bidding documents in case of new construction/ refurbishment activities. The LMP will be approved by the PIU/TSG in consultation with the Bank before the start of any physical works.

The PIU/TSG supported by the participating institution will monitor the performance of contractors concerning contracted workers focusing on compliance by contractors and their contractual agreements and this LMP.

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2. Introduction

2.1. Project background

The World Bank is providing support to the Government of India (GoI) to improve the quality and governance of technical education in select Indian states. Multidisciplinary Education and Research Improvement in Technical Education (MERITE) complements the National Education Policy (NEP) 2020 and addresses quality, relevance, equity, access, and governance issues. The Project extends the basis established by implementing the Technical Education Quality Improvement Project series (3 phases between 2004-2021) that helped initiate a reform process promoting excellence, autonomy, and accountability. Project interventions will include a tailored package of investments/activities aimed at: (i) improving service delivery to provide student support services designed to improve equitable access, skills, and transitions to the labor market; (ii) improving the research and innovation environment through research funds for faculty and students; and (iii) building/strengthening governance and quality assurance at the institute and system level.

The Project is being prepared under the World Bank's new Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank's Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The Project recognizes the significance of and adopts the ESSs to identify and manage the environmental and social risks and impacts associated with this investment project. The reviews undertaken by the Bank have classified environmental and social risks as moderate. As a response, PIU/TSG, as an implementing agency, has developed several key instruments to address the same. One of the Standards – ESS2, relates to Labor and Working Conditions and expects the Borrowers to develop labor-management procedures (LMP). The LMP enables identifying main labor requirements and risks associated with it and helps the Borrower determine the resources necessary to address labor issues. The LMP is a living document initiated early in project preparation and is reviewed and updated throughout the development and implementation of the Project. Accordingly, this document details the type of workers likely to be deployed by the Project and the management thereof.

2.2. About the Project

The Multidisciplinary Education and Research Improvement in Technical Education (MERITE) Project aims to support the modernization and resilience-building of technical education with a focus on strengthening equitable access and enhanced quality of teaching, learning and research in India. The Project will support the modernization of the education sector through NEP 2020-aligned reforms and focuses on: (i) Enhancing the environment of education & research through course offerings, pedagogical practices & assessment, digitalization; (ii) Improving employability of engineering graduates by strengthening skills & entrepreneurship capabilities; (iii) Increasing equitable access with a focus on women and SEDGs; (iv) Strengthening sector steering through improvements in governance & quality assurance; (v) Enhancing ecosystem by supporting multidisciplinary institutions & programs.

2.3. Components of the Project

The three major components proposed under the project include:

Component 1: Strengthening equitable access and improving teaching, learning, and multidisciplinary education.

This component will focus on activities that contribute to achieving PDO indicators on improving student skills, participation of underrepresented groups in engineering programs, student transition rate, and share of accredited programs. Activities will be organized under 3 sub-components:

- (i) *1.1 Modernizing Teaching-Learning and Assessments:* This will support upgradation of existing and development of new industry-relevant curricula, the introduction of multidisciplinary course/program options and programs, and also finance faculty development programs and the upgradations in physical infrastructure (laboratories, equipment, minor refurbishments) to support effective education delivery.
- (ii) *1.2 Enhancing Employability:* This will focus on strengthening student preparedness for the labor market through training in emerging technical areas and employability skills, industry-facing project and internship experiences, and strengthening placement services in participating institutes.
- (iii) *1.3 Promoting Equitable Access:* This will finance a series of supports for 2 groups of students – outreach and STEM mentoring for high school students to provide information on technical education programs, and academic and other support services for students entering engineering programs in participating institutes.

Component 2: Improving research for better skills and innovation

This component will support better research and innovation outcomes via competitive funding for research; strengthening of business incubators; seed funds to potential entrepreneurs from among faculty members, current students, or fresh graduates; and building institutional entrepreneurship and innovation culture. There will be three sub-components under component 2.1 Centers of Excellence (CoEs) and Ph.D. programs; 2.2 Developing innovation eco-systems; 2.3 Fostering an institutional innovation and entrepreneurship culture. The focus will be on multidisciplinary/multi-sectorial research and technology development in both public and private higher education institutions (HEIs) to address specific strategic sectors for the country's socio-economic development through a competitive Collaborative Research Fund (CRF). It will initiate skills labs; incubators linked to the R&D activities, provide technology transfer funds to incubatees, seed funding to innovators to create start-ups, and deliver IPR support.

Component 3: Sector steering, including governance and (HEI-) internal and external quality assurance

This component is divided into four sub-components on quality assurance (QA; 3.1) and governance (3.2), academic careers (3.3), and project management (3.4).

3.1 Quality assurance (QA): Work under the sub-component will be motivated by i) the need to increase QA capacity at the state and institutional level and ii) the NEP dictum of “universality of accreditation” which necessitates states and institutions to make significant progress regarding accreditation (and strong institution-internal QA as a key enabling factor).

3.2 Governance: A core set of activities under this component will be training and other capacity building measures for well-functioning institution-level governance structures and mechanisms (including dynamic and active Boards of Governors which connect the institutions effectively to their social and economic environment).

3.3 Academic careers: This sub-component features faculty development (link to Component 1) and support for Ph.D. training (link to Component 2). Type 2 institutions could pilot the overhaul of the academic career models in accordance with good international practice and linked to the NEP dictum re. the establishment of a tenure track system.

3.4 Project Management: While Technical Assistance will be provided under various components and sub-components, there might be additional areas where it could be needed. Further, this sub-component will cover the costs associated with the management of the project (including PIU costs).

2.4. COVID-19

The project interventions will also address the challenges posed by the spread of COVID-19 and will ensure adequate measures to minimize the adverse effects of COVID-19 on students, teachers, and the education system; assuring continuity in the provision of education services; develop an improved and more resilient education system in participating states/institutions. The WB's COVID-19 education response strategy has 3 phases – (1) Coping, (2) Managing Continuity, and (3) Improvement and Acceleration. In the first phase, the coping will include a host of digital-centric interventions and strengthening the MIS and ICT-enabled approaches. The second phase focuses on the safe reopening of institutions and unique plans for the students with special needs. Lastly, the third phase will support analytical activities such as rapid assessment of the effects of COVID-19 on education in the state and enabler activities such as the development of a policy framework for coping with future shocks.

2.5. Project Area

Project activities would be implemented nationwide, but specific project locations have not yet been identified at this preparation stage. Project beneficiaries would include universities and technical colleges and be selected following some criteria defined by the DHE, MoE. Though it is expected that some of the states/institutions would be from the aspirational/LWE areas, with beneficiaries belonging to the socially disadvantaged groups, which make up 11 and 3 percent respectively for Scheduled Caste (SC) and Scheduled Tribe (ST) of UG engineering student, significantly less than their population proportions. Further, less than 30 percent of UG engineering students are women, compared to about 50 percent each in other disciplines like Arts, Commerce and Science.

In terms of the engineering institutions, most of the participating institutions are expected to be located in urban/semi-urban areas and face challenges of underdeveloped facilities, inadequate capabilities, and weak incentives limiting their research and innovation, except in the elite institutions like the Indian Institutions of Technology and National Institutes of Technology. In the Indian institutions, per student R&D spending (\$91) is lower when compared to Russia (\$280), China (\$750), and Brazil (\$1500). Research and laboratory facilities are inadequate, leading to a lower quantity and quality of research publications.¹

2.6. Project Beneficiaries

The project will focus on the technical higher education system of the Indian institutions seeking to benefit students, technical institutions, including faculty and non-teaching staff, state technical education departments, AICTE, and Government officials and agencies involved in technical education sector.

The project is expected to directly benefit the following stakeholders:

¹ Oyalka, P. et al. (2016): Factors Affecting the Quality of Engineering Education in the Four Largest Emerging Economies, Higher Education 68 (6): 977- 1004

Table 1: Number of tentative beneficiaries under the project

Stakeholders	No. of Beneficiaries (Tentative ²)
Chancellor/ Vice-Chancellor/ Directors/ Principals	200-300
Students	2,50,000-3,00,000
Faculties	10,000-12,000
Non-Teaching Staff	6,000-8,000

The project will also assist the state governments in terms of capacity building, establishing digital infrastructure, and implementation of the project.

3. Purpose of Labor Management Procedure

The Environmental and Social Standard (ESS) 2: Labor and Working Conditions promotes the implementation of a systematic approach to improve the management of risks and impacts related to labor and working conditions in projects. To manage and mitigate all related risks and impacts, a Labor Management Procedures (LMP) has been prepared for MERITE project. The LMP sets out the Program's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specific objectives of Environmental and Social Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4).

3.1. Overview of Labor Use on the Project.

Department of Higher Education, Ministry of Education (MoE), GoI, will contract agencies to undertake civil works, agencies/firms to support the Project Implementation Unit (PIU)/Technical Support Group (TSG); and other implementation support partners for implementation of the project, and these could be from anywhere within the country. The LMP is applicable to all Project workers, such as: direct, contracted, sub-contracted, or primary supply, irrespective of their engagement- full-time, part-time, temporary, seasonal or migrant workers. The definition of each of the category and their applicability to MERITE is provided below:

Table 2: Types of Project Workers to be engaged in the MERITE Project

S.No.	Type of worker	Definition ³	Applicability to MERITE
1.	Direct Workers	Worker with whom the DHE, MoE has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The worker is employed or engaged by the DHE, paid directly and subject to the DHE's day to-day instruction and control.	Yes. The project will be implemented by the DHE, MoE, GoI. A PIU/TSG has been established, headed by a National Project Director, and supported by a Deputy Director.
2.	Contracted Workers	People/workers employed or engaged by contractors or a third	Technical service workers hired by PIU/TSG: The DHE

² Based on TEQIP-III experiences.

³ The World Bank, Guidance Note for Borrowers: Environmental & Social Framework for IPF Operations- ESS2: Labor and Working Conditions, 2018

		party to perform work related to core function of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker. For instance, construction/refurbishment of infrastructure, setting up of incubation center and startup facilities, regardless of location.	will hire a PIU/TSG firm to support the project. The PIU/TSG will appoint individual consultants/ staff to provide technical support to the project during preparation and implementation. Construction workers hired by civil works contractors for undertaking civil works in select institutions. The contractor/s will engage staff to work on the project including managerial staff, technical staff, skilled and unskilled workers.
3.	Primary Supply ⁴ Workers	People employed or engaged by project's primary suppliers of goods and materials for its core function (construction material, digital equipment and machineries, IT equipment, etc.).	Yes The DHE, MoE/ TSG/ Institutions will engage workers to provide digital/IT machineries and equipment.
4.	Community Workers	Community workers are included in the project in a number of 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.	No The MERITE project does not envisage any community workers as all the construction work would be undertaken by contracted workers.

3.2. Number of Project Workers.

The project has components requiring engagement of different types of workers. The details and the number of workers to be engaged in the project is given below:

Table 3: Number of Workers to be engaged in the MERITE Project

Category	Details	Number (Tentative)
Direct workers	Workers in the DHE, MoE: 1) National Project Director (Additional Secretary) 2) Director 3) Deputy Director	1) One 2) One 3) One

⁴ 'Primary suppliers are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project.

	<p>4) Please confirm if there will be a Financial Advisor/Director/DD, etc. will be working on MERITE</p> <p>5) Procurement Expert from the DHE?</p>	
Contracted Workers	<p>The precise number of project workers who will be contracted are not known as of now. This will become known as and when implementation begins. As regards PIU/TSG consultants, this will also be known as and when implementation begins, however, tentatively, the numbers are provided below:</p> <p>Workers in the PIU/TSG</p> <ol style="list-style-type: none"> 1) Senior Consultant 2) Social Development Specialist 3) Environment Specialist 4) Procurement Specialist 5) Academic Consultants 6) Finance Consultant 7) Administration Consultant 8) IT Consultant 9) Supporting Staff 	<ol style="list-style-type: none"> 1) One 2) Two – One Senior Social Development Specialist, and one Social Development Officer (3) One Environment Specialist 4) Two 5) Three 6) One 7) One 8) One 9) Twenty <p>The total number of staff at TSG, including consultants, is 32.</p>
Civil Works Contractors and Workers	<p>The project will support renovation/refurbishment related infrastructure interventions in participating institutions, where civil works contractors will be involved. The total number of sub projects are not known as of now. This will become known as and when implementation begins.</p>	<p>1500-2000 workers are expected.</p> <p>250-350 Civil contracts are expected.</p>
Primary supply workers	<p>The project will take the services of vendors for strengthening learning systems, Digital Platforms for Learning and Teaching, strengthening governance and capacity development, communication strategy, etc.</p>	<p>Selected vendors will decide the number of workers depending on a case-to-case basis as per the requirement and quantum of the work (Digitalization such as Digital Boards, Survey and studies, etc.)</p>
	<p>The project will take the services of the consultancy firms to undertake studies and research on various activities such as teacher training, employment survey studies, research studies, etc.</p>	<p>Selected consultancy firms will decide the number of workers depending on a case-to-case basis as per the requirement and quantum of the work of the mentioned projects.</p>

3.2.1 Characteristics of Project Workers

All hiring decisions in the project will be based on the principle of non-discrimination and equal opportunity. The Characteristics of Project Workers are grouped into the two applicable categories –

Direct Workers and Contracted Workers (Construction workers, other consultants/consulting agencies).

Direct Workers: The Direct Workers will be the personnel of DHE, MoE. These would be in the level of National Project Director (Additional Secretary), Deputy Director, Assistant Director and finance controller drawn from the DHE, MoE; 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. Equal opportunities would be provided to both female and male candidates to be part of the project.

Contracted Workers: This category constitute different sub-categories of Contract Workers as hereunder:

1. PIU/TSG: MERITE will contract PIU/TSG to assist direct workers in project implementation and construction supervision. The PIU/TSG is expected to deploy an estimated 50 workers, constituting multidisciplinary consultants/professionals over the project implementation phase ranging between August, 2022 to March, 2027. These workers will be technically qualified with a minimum age of 18 years and maximum 60 years. Some of these workers, in exceptional cases could have a maximum age of 65 years.

2. Contracted Consultants/Primary Supply Workers: MERITE would require different consultancy services to achieve its objectives. The requirement of consultants is divided across the other project components/sub-components. Some of the consultancy services required include (but not limited to) preparing reports/carrying out external and internal audits, employer satisfaction surveys, digitization strategy, capacity building of faculty, developing multidisciplinary pedagogical approaches, communication strategies, etc.

It is estimated that around 50 workers comprise multidisciplinary consultants/professionals over the project preparation and implementation phase ranging between four to six months. These contracted consultants (workers) will be technically qualified with a minimum age of 18 years and a maximum of 60 years. In exceptional cases, some of these workers could have a maximum age of 65 years.

3. Construction Workers: The project involves construction/renovation/ minor civil works in select technical institutions/ complexes. The construction/renovation works will require estimated 2000 contract workers, comprising professionally qualified civil engineers, skilled work supervisors, and technicians, skilled and unskilled construction workers (labor). These will be deployed by Contractors handling civil works construction/renovation. Among these, skilled and unskilled workers constitute nearly 70-75 percent, whereas experienced/skilled work supervisors and technicians constitute less than 15-20 percent, and the site supervisors would include about 5 percent.

The skilled and unskilled construction workers will be from the same state or other neighboring states among the contract workers. However, deployment of personnel (unskilled) from the same state meeting the work requirements would be preferred. As a standard operating practice, the skilled and unskilled workers will usually be sourced through registered labor contractors.

The age of the technically qualified and or skilled contract workers can range between a minimum of 18 years and a maximum of 60 years, whereas the age of unskilled workers can range between 18 to 50 years, and in no case can it be expected to exceed 60 years. It is possible that some of the managerial or supervisory level contract workers deployed by contractors, in exceptional circumstances, could have a maximum age of 65 years. About 7-10 percent of the contract workers are expected to be women. There will be no child or forced labor assigned for the project.

The LMF identifies the types of workers, i.e., direct, contracted, sub-contracted and primary supply workers to be engaged in the project. Further, it cites critical environmental and social risks related to the project. Some of the identified risks for the project are unscrupulous labor practices, Occupational Health and Safety, community risks, waste generation, risk of Gender-based Violence, exploitation of a child and forced labor, etc.

3.2.2 Timing of Labor Requirements

The timing and sequencing of Contracted Worker requirements in terms of numbers, locations, jobs, and skills will be decided with the design and approval of the construction work plan. The contracted Workers will be recruited as soon as the approval of the project, especially those forming part of PIU/TSG. Since the construction will primarily take place in the urban areas, it is expected that local labor will be available abundantly, and hence no or minimal migrant contracted workers are expected to be assigned.

3.2.3 Information on Contracted Workers

DHE through PIU/TSG and participating institutions will maintain information on engagement of contracted workers of all categories. The contractors will be contractually obligated to maintain updated information on all categories of contracted workers and periodically share the same with the PIU/TSG, which will in turn report to DHE and WB.

The information on all contract workers will be submitted in a prescribed format to be finalized during the engagement of contractors. The information database on contracted workers to be maintained by the contractor will include not limited to the following:

- Name and Age (to be supported by AADHAR /Voter Card)
- Parent's Names and Permanent Address
- Marital Status and Name of the Spouse (if married)
- Number of Children with Gender (as applicable)
- Place of Stay of Spouse and Children during work engagement under MERITE
- Emergency contact number and address
- Key Skills and Years of Experience
- Work activities, Schedule, Duration of Engagement
- Duration of Contract and Rotation Arrangements
- Facilities Arranged by Contractor including health check-ups prior to engagement, accommodation (onsite workforce camps, with local community, transportation to work site and other facilities (to be specified by Contractor)
- Pre-Employment Check-ups, Fitness Tests and Health Awareness Campaign for workers

The contractor will be obligated to consider the following from COVID-19 considerations (provided that the dangers of COVID-19 are still prevalent, and the probability of the infection not being wholly gone by the start of civil works).

- **Sensitization of all contracted workers** about COVID-19, and precautions to be taken like social distance of a minimum of 1.5 meters during all work situations, use of face masks or cotton cloth, use of sanitizers and frequent washing of hands, avoid spitting in public, maintain hygiene, reporting of flu-like illness symptoms, avoid the use of chewing gum, tobacco in all forms, and creation of isolation/quarantine rooms, for any workers showing COVID signs, until shifted to COVID care centers or hospitals;

- Minimize movement in and out of site (consider extending the term of existing contracts to avoid workers returning home to affected areas or returning to the site from affected areas)
- Minimize contact with people near the site (including, in some instances, prohibit from leaving the site for the duration of their contract so that contact with local communities is avoided to the extent possible.
- Move workers to site accommodation (subject to availability) where they would be subject to the same restrictions.
- Minimize the contact with teachers and students: The construction work needs to be structured so that the labor is not in proximity of the teachers or students. This can be done by structuring the timing or the location of work. Further, proper care should be taken that the construction site is hygienic.

4. Assessment of Key Potential Labor Risks

Construction workers will be engaged in the extension of classrooms, workshops, and laboratories. They may also be required for incubation center facilitation. During operation and maintenance, services will also be sought especially from teaching staff (for supervision), technicians, and ground workers. Therefore, having the project being implemented on campuses, not only project workers may be exposed to risks but also students (though they will not be involved in providing labor).

The safety and health risks to which the workers, students, and institute staff may be exposed from any project-related activities will be assessed. The ability to prevent or eliminate such risks or, if the risk cannot be controlled or eliminated, measures to protect workers, students, and institute staff from exposure will be explored. Though, given the small-scale construction works, no major risks are envisaged.

4.1. Key Labor Risks

Potential risks that may arise from the nature of activities to be undertaken include:

- 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 or industry standards, 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 benefit, etc.
- 2) Lack of Occupational Health and Safety (OHS) practice 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 operational sites.
- 5) Lack of adequate sanitation and health facilities at the work sites. Further, consideration is that the workers should not be using the sanitation facilities provided to the teachers and students in the school as it would increase the risk of transmission of covid-19 and other infectious disease.
- 6) Community health and safety issues, especially alteration of power dynamics, shifting the economic power balance, rise of communicable diseases, including Malaria and Cholera to the workforce, students, 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 fecal wastes, especially around labor camps and toilet area.
- 9) Rise of incidence of Gender-Based Violence GBV (Sexual Harassment, Sexual Exploitation, and Abuse, Rape and Discrimination) emanating from the labors.
- 10) Increased competition over resources due to influx of labor; labor conflicts and work conditions.
- 11) Other project related risk may include of child and forced labor and use of unscrupulous labor practice, and denial for workers' rights to form workers organizations, etc. (particularly for unskilled construction workers/labor), etc.

5. Legal and Regulatory Frameworks

Over the last decade or so, the Government of India has enacted several laws and policies relating to working conditions, promoting safety and health at work, fair treatment and non-discrimination, preventing forced labor and child labor, and protecting vulnerable workers. Key among these are:

1. **Child Labor (Prohibition and Regulation) Amendment Rules, 2017 MINISTRY OF LAW AND JUSTICE (Legislative Department):** This Act prohibits employment of children below 14 years of age in certain occupations and provides for the regulation of employment of children in all other occupations and processes. Employment of child labor is prohibited in Building and construction industry.
2. **New Labor Codes**
 - a) **CODE ON WAGES, 2019:** The Code on Wages, 2019 amalgamates and simplifies the provisions of four Central Labor Laws, namely:
 - The Payment of Wages Act, 1936
 - The Minimum Wages Act, 1948
 - The Payment of Bonus Act, 1965
 - The Equal Remuneration Act, 1976

Under the new Wages Code, allowances are capped at 50 percent. This means half of the gross pay of an employee would be basic wages.
 - b) **INDUSTRIAL RELATION CODE, 2020:** The Industrial Relations Code amalgamates and repeals three Labor Laws, namely:
 - The Trade Unions Act, 1926
 - The Industrial Employment (Standing Order), 1946
 - The Industrial Disputes Act, 1947
 - c) **OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020:** This is a comprehensive code on Occupational Safety, Health, and Working Conditions, and amalgamates thirteen existing labor laws/acts relating to Safety and Health Standards, Health and Working Conditions into a single Code, namely:
 - The Factories Act, 1948
 - The Contract Labor (Regulation and Abolition) Act, 1970
 - The Mines Act, 1952
 - The Dock Workers (Safety, Health, and Welfare) Act, 1986
 - The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
 - The Plantations Labor Act, 1951

- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955
- The Working Journalist (Fixation of rates of wages) Act, 1958
- The Cine Workers and Cinema Theatre Workers Act, 1981
- The Motor Transport Workers Act, 1961
- The Sales Promotion Employees (Conditions of Service) Act, 1976
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- Relevant standards from the Public Safety Standards of India.

d) **CODE ON SOCIAL SECURITY, 2020:** Code on Social Security (CoSS), 2020 also amalgamates and simplifies the provisions of nine Labor Laws with respect to social security, namely:

- The Employee's Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959
- The Maternity Benefit Act, 1961
- The Payment of Gratuity Act, 1972
- The Cine-Workers Welfare Fund Act, 1981
- The Building and Other Construction Workers' Welfare Cess Act, 1996
- The Unorganized Workers' Social Security Act, 2008.

3. The Trafficking in Persons (Prevention, Care and Rehabilitation) Act, 2021.

4. Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and amendments: The act provides for protection against sexual harassment of women in the workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

5. Inter-state Migrant Workmen's (Regulation of Employment and Conditions of Service) Act, 1979: The inter-state migrant workers, in an establishment to which the Act becomes applicable, are required to be provided with certain facilities such as housing, medical aid, traveling expenses from home to the establishment and back, etc.

6. The Bonded Labor (Abolition) Act 1976: An Act to provide for the abolition of bonded labor system, with a view to prevent economic and physical exploitation of the weaker sections of the people and for all matters connected therewith or incidental thereto.

Table 4: Applicability of labor regulations under MERITE

S.No.	Acts /Laws Related to Labor	Objectives	Applicability to MERITE project
1.	Minimum Wages Act, 1948	<ul style="list-style-type: none"> ▪ The Minimum Wages Act, 1948 safeguards the interests of workers by providing fixation of minimum wages mainly focusing, e.g., The employer is supposed to pay not less than the Minimum Wages fixed 	In compliance with the Act, the wage to be paid to the laborers engaged in any civil work, supported under MERITE shall not be less

		by the appropriate Government as per provisions of the Act	than the latest minimum wage fixed by the state.
2.	The Child and Adolescent Labor (Prohibition And Regulation) Amendment Act, 2016	<ul style="list-style-type: none"> ▪ Amended to include coverage of adolescents who are between the ages of 15 to 18 years in the ambit of the provisions in the above Act, and total prohibition of employment of children below 14 years in any kind of employment in the country. ▪ Lay down the procedure to decide on modifications to the schedule of banned occupations and processes. ▪ Regulate the conditions of work of children in employment where they are not prohibited from working 	Children below the age of 14 shall not be engaged in construction works as laborers, in hazardous works like handling pesticides, fertilizers, etc. at participating institutions
3.	The Contract Labor (Regulation And Abolition) Act, 1970	<ul style="list-style-type: none"> ▪ To regulate the employment of contract laborers in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith 	The laborers hired by contractors for engaging in construction/up-gradation at institutions shall be provided with facilities like restrooms, drinking water sanitary provisions, first aid boxes, etc.
4.	Equal Remuneration Act, 1976	<ul style="list-style-type: none"> ▪ To provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto. 	Women engaged in the activities supported by the project should be paid at par with their male counterparts.
5.	The Building and Other Construction Workers Related Laws (Amendment) Bill, 2013	<ul style="list-style-type: none"> ▪ To regulate the employment and conditions of services of building and other construction workers and to provide their safety, health, and welfare measures and for other matters connected therewith or incidental thereto. 	The Act shall be applicable to the contractors to be engaged in the construction/ expansion of buildings and other infrastructure.
6.	Workmen's Compensation Act, 1923 (Amended 2009)	<ul style="list-style-type: none"> ▪ Provides for compensation in case of injury by accident arising out of and during the course of employment 	The Act shall be applicable to the contractors to be engaged in the construction/ expansion of buildings and other infrastructure
7.	The Bonded Labor (Abolition) Act 1976	<ul style="list-style-type: none"> ▪ An Act to provide for the abolition of bonded labor system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto. 	Applicable to the contractors to be engaged under the project.
8.	Inter-state Migrant Workmen's (Regulation of Employment and Conditions of Service) Act, 1979	<ul style="list-style-type: none"> ▪ The inter-state migrant workers, in an establishment to which the Act becomes applicable, are required to be provided with certain facilities such as housing, medical aid, traveling expenses from home to the establishment and back, etc. 	Applicable to the contractors to be engaged under the project.
9.	Sexual Harassment of Women at Workplace	<ul style="list-style-type: none"> ▪ The Act provides for protection against sexual harassment of women at the workplace and the prevention and 	The MERITE project aims to work closely with stakeholders, involving

	(Prevention, Prohibition and Redressal) Act, 2013	redressal of complaints of sexual harassment. It mandates the institutionalization of an Internal Complaints Committee at all administrative units/offices with the representation of women equivalent to at least one-half of the total members of the committee and a Local Complaints Committee in every district. It also mandates training to enhance the knowledge levels of employees on forms of sexual harassment, complaint mechanism, and the inquiry process.	women at all levels. The Act will create a conducive environment for women.
10.	The Maternity Benefit Act, 1961	<ul style="list-style-type: none"> ▪ The maternity benefit Act 1961 protects the employment of women during the time of her maternity and entitles her of a 'maternity benefit' - i.e., full paid absence from work - to take care for her child. The act is applicable to all establishments employing 10 or more persons. 	Women engaged in the will be entitled for the benefit as per the act guidelines.

5.1. The World Bank Environment and Social Standard (ESS 2)

The World Bank's stipulations related to labor are outlined in its ESS2 (Labor and Working Conditions). The implementing agency promotes sound worker-management relationships and provides safe and healthy working conditions. The key objectives of the ESS2 are to:

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination, and equal opportunity of project workers;
- Secure protection of project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- 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 concerns.

ESS2 applies to project workers including full-time, part-time, temporary, seasonal, and migrant workers. Where government civil servants are working in connection with the 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 government civil servants.

Working conditions and management of worker relationships: The Implementing Agency will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

6. Occupational Health and Safety

6.1. Applicable National Level Codes and Guidelines on OHS

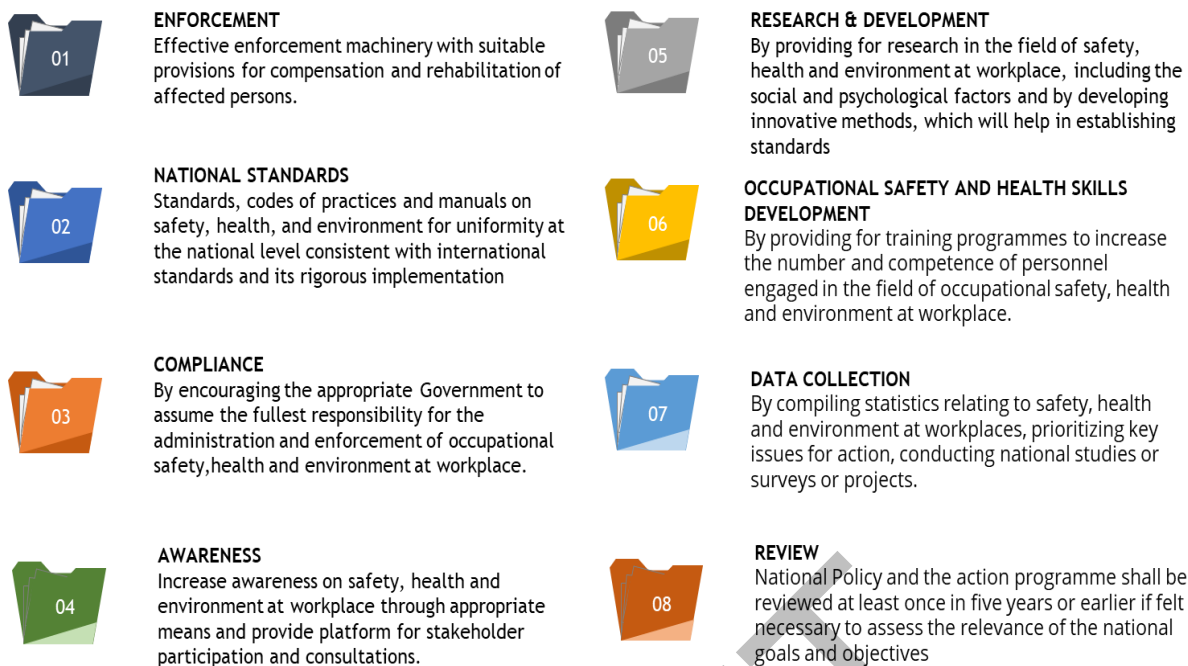
The National Policy on Safety, Health and Environment at Workplace (NPSHEW) was declared by the Ministry of Labor and Employment, GoI in February 2009⁵. NPSHEW draws guidance from the Indian Constitution. The goal of the NPSHEW is to build and maintain a national preventative safety and health culture and improve the safety, health, and environment at workplace through elimination of the incidence of work-related injuries, diseases, fatalities, disasters, etc. The policy objectives are to achieve⁶:

- Continuous reduction in the incidence of work-related injuries, fatalities, diseases, disasters, and loss of national assets.
- Improved coverage of work-related injuries, fatalities and diseases and provide for a more comprehensive data base for facilitating better performance and monitoring.
- Continuous enhancement of community awareness regarding safety, health and environment at workplace related areas.
- Continually increasing community expectation of workplace health and safety standards
- Improving safety, health and environment at workplace by creation of “green jobs” contributing to sustainable enterprise development.

The action points for achieving the objectives of the NPSHEW is provided below:

⁵ https://www.ilo.org/asia/WCMS_182422/lang--en/index.htm

⁶ <https://labor.gov.in/sites/default/files/SafetyHealthandEnvironmentatWorkPlace.pdf>



The GoI, through the Ministry of Labor and Employment, has prepared a Code on Occupational Safety, Health and Working Conditions, 2019 (Draft)⁷ by amalgamating 13 existing labor laws/acts, mainly relating to safety and health and working conditions, provisions of PPEs, protocols for reporting accidents, awareness and toolbox meetings/guidance sessions to prevent accidents at the workplace, welfare provisions for employees at work sites, leave conditions and hours of work.

The Code duly covers Building and Other Construction Workers for construction works under MERITE and aligns with ESS2: Labor and Working Conditions. The Code and ESS 2 provide guidance to project proponents to ensure safety at worksites through the use of appropriate safe practices for working, provision and use of safety gear, provision of PPEs, periodic health checks, drinking water facilities and sanitation, separate toilets for males and females, first aid facility at work sites, day creche facilities, among others.

Regarding the COVID situation, the following SOPs/essential guidelines and orders issued by Central Public Works Department (CPWD), GoI will apply to the MERITE project (Refer to the table below and **Annex 1** for the copy of the guideline).

Table 5: Applicable Guidelines and Orders relating to COVID

S.No.	Govt of India Guidelines	Stipulations /Terms and Conditions
1.	Standard Operating Procedures (SOPs) and Guidelines for Construction Sites for COVID-19 Outbreak issued by CPWD, Government of India, May 2020	The general guidelines cover the basic precautions to be undertaken by everyone at the work site. Other aspects included in the guideline are for workers to adopt safety behaviors, guidelines on handling of materials, tools and machinery, emergency protocols

⁷ The Occupational Safety, Health and Working Conditions Code, 2019 (Bill no 186 of 2019) is yet to be notified and has been under the Parliament's consideration since Feb 2020.

		in case of detection of symptoms of Covid-19 and responsibility of various stakeholders
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6.2. Occupational Health and Safety – Challenges, Approval Process and Plan

Though construction activities will be undertaken within the institutions with clear ROW, working/renovation of old buildings, managing workers during college working times, and implementation of Project at several states/institutions with varying capacity offers significant challenges. The significance of OHS concern for workers and the community would also increase due to many factors that may be due to site conditions, workers' lack of awareness of OHS preventive/protective measures, provisions in the contract, lack of monitoring, and effective enforcement by implementing agency.

The OHS measures applying to the Project will be set out in the legal agreement with the contractors and the Environmental and Social Commitment Plan (ESCP). The OHS of workers and related issues arising during construction works will be under the direct control of the contractors and will be supervised by the institution's site manager/engineer.

The contractors will be responsible and liable for the safety of the workers. The requirement for preparing an OHS Plan by the Contractor as part of ESMP will be integrated into the contract documents and is one of the GoI commitments in the ESCP. The Contractor shall be obligated to include COVID Response and Management measures in the OHS Plan that will be part of the ESMP submitted to the MERITE PIU/TSG for approval.

The typical OHS plan may include labor management, GBV, health and safety, the establishment of GRM for labor, etc. The template of the same is provided in **Annex 2**.

An additional 0.5-1 percent of the contract amount is earmarked as ESHS performance security in the bidding documents. Thus, the potential bidders will be fully aware of ESHS performance requirements at the bidding stage and accordingly price the bids at the bidding stage itself.

6.2.1 Remedies for adverse impacts such as occupational injuries, deaths, disability and disease

The contractor's OHS plan will have the following specific content:

6.2.1.1 Hazard Identification and Risk Management

Hazard Identification.

Some of the expected hazards are identified in section 3.1. However, these are denotative as the potential hazards depend on the site location. Therefore, the primary task of the Contractor would be to identify the potential dangers and risks associated with construction activities, material handling, movement/use of machinery, handling of a hazardous substance, electrical work, and health-related risks like COVID-19.

Hazards like fire, exposure to dust, etc., which can affect the community, will be identified and measures defined for community awareness and protection.

Hazard Risk Management. A hazard risk management plan will be prepared according to the risks and hazards identified at each location/institution site. Each site will have a hazard risk management plan, and it will cover the following:

- **Work Zone Classification.** The project sites are technical college premises, and there is a possibility of a student-worker interface during the construction phase. Therefore, there is a need to demarcate the risk zones. Proper signage for notifying the zones will be placed, and awareness regarding the same will be created among the most impacted stakeholders - students, faculty, non-teaching staff, and college administrative staff.
- **Task-Specific Hazard Prevention.** Procedure and guidelines will be defined as per best industry practices and legislative requirements applicable for task-specific hazard prevention and safety, such as precautions for working on height requirements that will require the provision of safety belts/helmets, etc.
- **Injury and hazardous materials and waste management.** Provision of first aid boxes and on-call first aid providers/attenders.
 - Avoiding and minimizing the use and release of hazardous materials; for example, non-hazardous materials can substitute asbestos in building materials.
 - Preventing uncontrolled releases of hazardous materials to the environment, e.g., paint, oils, etc.
 - Hazard communication and training programs to prepare workers to recognize and respond to workplace chemical hazards.

6.2.1.2 OHS Management plan.

Development of the OHS Management Plan and ensure its full implementation during the construction phase, and thoroughly review and update the existing educational facility OHS Management Plan for the operations phase so that it is adequate and complies with national and WB OHS requirements. This should include the following, among other activities:

- Provide appropriate Personal Protective Equipment (PPE) to workers.
- Enforce the use of PPE by workers.
- Use of dust control methods such as covers, water suppression on loose materials and surfaces, or increased moisture content for open materials storage piles to reduce particulate matter and dust exposure.
- Develop Standard Operating Procedures (SOPs) to avoid risks, including putting in place an evacuation plan and drills to practice the procedure and plan.
- Provide firefighting equipment that is easily accessible and simple to use.
- Incorporate rest and stretch breaks into work processes and conduct job rotation.
- Facilitate the formation of the Occupational Safety and Health Welfare Committee at each construction site, etc.

6.2.1.3 Compliance with labor laws/ESS 2

- Contractors should sign a Code of Conduct before the commencement of construction works, which contains, among other issues, labor-related laws and regulations.
- Employ people that are aged 18 and above.
- Sensitize workers on labor-related issues and regulations to ensure that they comply.

6.2.1.4 Hygiene and Sanitation

Hygiene and sanitation are critical for the Project as the sites are within the institutions/college premises, and there is a risk of infection to students and faculty. Further, proper sanitation and hygiene facilities are vital in reducing GBV. Provisions will be made to provide a clean and hygiene eating place and safe drinking water at the workplace. Similarly, an adequate provision will be made for clean and separate toilets for men and women with sewage treatment.

6.2.1.5 Incident and Emergency Management, preparedness, and response

The OHS Plan will define incident and emergency management procedures, including investigating an accident and its analysis to suggest appropriate corrective/preventive actions, responding to and managing COVID risks. Basis the same, the Contractor of each sub-project/institute level, will be required to put in place measures for prevention, preparedness, and response to emergencies including landslide, fire, COVID-19, etc. The measures will include a clear display of contact details for emergency notification in the local languages at the worksite. Adequate provision will be made for the availability of First Aid, Ambulance, and additional resources and coordination with the local authority(s) to respond to an emergency.

6.2.1.6 OHS Monitoring

The Contractor will monitor the OHS plan and submit the report to PIU/TSG via the institute. The indicators to be monitored and their frequency will be provided in the OHS plan. This will be agreed upon with the institute and PIU/TSG/DHE.

6.2.1.7 Communication and Consultation (Workers & Community)

The Contractor will create a plan for OHS Awareness generation for the workers and the community. The OHS Plan will define the program for community consultation and communication and worker's training/awareness program. It will also list safety and health communication with key stakeholders. OHS Plan will provide a detailed overview of the safety signage displayed at workplace and project sites.

6.2.1.8 Maintenance of Training/Capacity Building Records

Training is an integrated and essential component of effective OHS Plan implementation. The Contractor of each sub-project will be required to conduct weekly training sessions for workers on OHS aspects. The training will, among other things, cover the following elements: potential OHS hazards at the worksite, safety measures to be followed, PPE and safety gear, first-aid procedures, emergency response procedures, etc. All training records, including the attendance, specific topics covered, and key issues discussed will be maintained at the site. This will be regularly shared with the institute and the PIU/TSG as requested.

6.2.1.9 Documentation and reporting occupational accidents, diseases and incidents

The Contractor will share the OHS monitoring reports with the PIU/TSG through the institution quarterly. The Contractor will record the accident/incident register, OHS monitoring, emergency preparedness plan, mock drills, and preventive actions. Any fatal accident will be reported to PIU/TSG and WB with an inquiry report within 48 hours of its occurrence. Reporting the deadly accident will also be made to concerned state Government authorities. The information must include an 'action taken' section on the remedial and preventive measures to mitigate future risks.

6.2.1.10 Responsibility

The Contractor will be responsible for ensuring the OHS of the workers. The contract agreement of each sub-project will specify the Contractor's obligations for remedies, including emergency financial assistance and compensation for occupational injuries, deaths, and disability. The Contractor will also ensure the deployment of a trained OHS officer to the worksite. All applicable legislation will be identified and compiled by the respective contractors. The Contractor will develop OHS Plan in consultation with the institutions and PIU/TSG and undertake its implementation.

Key non-negotiables that, if violated, would result in severe repercussion for the Contractor and may include criminal proceedings as per the Indian Penal Code (IPC) would consist of the following:

 Engagement of forced labour (including bonded labour)	 Forcefully retaining of workers identify documents or personal belongings.
 Restriction on freedom of movement. Restricted location due to safety considerations are not included.	 Charging commission in lieu of employment.
 Delay in wages, huge or inappropriate fines.	 Physical punishment, using force to extract the work, compel a project worker to work on a non-voluntary basis.

6.3. Management of OHS Aspects

The ESMF prepared by DHE, MoE, includes measures to mitigate Project's environmental and social risks and impacts. The institutional setup outlined in the ESMF explains the roles and responsibilities of different project stakeholders involved in the implementation of ESMF. The DHE with the PIU/TSG will coordinate and enforce the effective implementation of measures approved in the ESMF. Based on the procedures and guidelines in the ESMF, each sub-project will have a site-specific Environmental Social Management Plan (ESMP).

The Contractor's approved site-specific ESMP (referred to as C-ESMP) will be reviewed periodically and updated on time to address changed requirements during project implementation. The Policies and Procedures are segregated to include the following:

- Incidents and Accidents
- Occupational Health and Safety
- Gender-Based Violence (GBV), Sexual Exploitation, and Abuse/Sexual Harassment (SEA/SH) related
- COVID considerations.

6.4. Incidents and Accident Notifications

The Contractor will promptly notify the MoE/PIU/TSG within 24 hours of any incident or accident-related or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and including information provided by any contractor and supervising entity. The PIU/TSG will appraise the WB regarding the same.

6.5. Gender Based Violence

About 75 percent of the contract workers are anticipated to be men, and women's participation is around 25 percent.⁸ The women labor force not only face GBV/SEA/SH in their respective homes, but their numerical inferiority at the workplace further marginalizes their situation and accentuates the chances of GBV/SEA/SH at the work sites.

The Contractors are expected to prevent such a situation by developing Codes of Conduct (CoCs-Annex 3) for their workers. This needs to be continuously reinforced through positive action and trainings. The Code of Conduct will highlight the positive behavior to be demonstrated by their workers, including maintaining harmonious relations with the local communities. The CoCs will include

⁸ Based on Census 2011 and NSSO Construction sector, male and female workforce participation.

all persons employed by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior in its applicability. The CoCs will have sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation, and sexual harassment (e.g., termination). The CoC will be written in plain language and signed by each worker to validate:

- A copy of the CoC as part of their contract.
- CoC has been explained to them as part of the induction process.
- Acknowledged that adherence to CoC is a mandatory condition of employment.
- Understood that violations of the CoC can result in severe consequences, including dismissal or referral to legal authorities.

The Contractor/sub-contractor will undertake the following actions to mitigate potential risks related to GBV/SEA/SH:

Table 6: Actions for Contractor for GBV/SEA/SH Risk Mitigation

S.No.	Action	Where and When
1.	Codes of conduct are prepared, adopted, and publicly disclosed in local languages and are widely accessible to all the workers and groups of people likely to contact the workers.	Throughout the construction period, mandatory at all sites.
2.	Ensure Codes of Conduct are clearly understood and signed by those who would be at the construction site.	At the project site, upon joining.
3.	Undertake GBV/SEA/SH risk assessment	All the project sites; the middle of the construction cycle.
4.	Display signs that the project site is an area where GBV/SEA/SH is prohibited.	Project Site, throughout the construction period
5.	Provide a safe and secure working environment for workers—provision of lighting around project sites, including around latrines and access routes. Provide separate and lockable toilets for female construction workers.	Throughout construction period.
6.	Deliver periodic mandatory training on CoC and GBV to all workers, including contractors, subcontractors, core suppliers, and relevant consultants and clients. Discuss the same with local communities as well.	Project Site, Periodic; or as needed
7.	Develop confidential grievance reporting, referral, and support systems for workers that would also include the option to report anonymously.	Project Site, before starting the work.

6.6. COVID Related Considerations

- The project activities/construction work could begin within 12-15 months of project effectiveness. Further the influx of migrant workers would require additional considerations. These workers could become vectors for transmission of COVID-19 to other workers in construction project sites and nearby communities. Therefore, COVID-related safety measures and contingency plan is a realistic requirement. All the contractors will be

requested to provide details in writing regarding the actions taken to address the risks.⁹ This should include but not be limited to the following aspects:

- Conducting pre-employment health checks.
- Controlling entry and exit from site/workplace and maintaining the safe working distance, staggering the entry and exit timings of different workers.
- General hygiene, cleaning and waste disposal.
- Adjusting work practices.
- Reviewing contract durations to reduce the frequency of workers entering/exiting the site.
- Providing appropriate forms of personal protective equipment (PPE).
- Use of technology to reduce in-person contact wherever possible.
- Safety training and communication with workers and community members.
- Site supervisor to be responsible for monitoring and reporting COVID-19 issues and liaising with competent authorities designated by the State Government.
- Check with Contractors whether the workers are informed/encouraged to use the existing COVID-19-related health and safety protocols.

7. Management of Workers/Labor in Work Contracts

7.1. Contractor's Selection Process

Selection of a Contractor for civil works or consultancy firms for studies, etc., will be undertaken through an open competitive online bidding process (e-procurement) having a two-stage (technical and financial) evaluation process. The national bids will be evaluated by a Bid Evaluation committee set up by MERITE through the pre-set evaluation criteria; the institutions will set up bid-evaluation processes per the prevailing norms. Only the technically qualified bids will be considered for opening the financial offers. All the technical proposals will be evaluated for their past similar experience, financial standing, OHS performance in past projects, technical qualifications and experience criteria for Key persons, and available inventory of equipment and machinery, among others.

The final selection for civil contractors will be based on the lowest financial bid (post-qualification of the technical proposal). In case of other consulting engagements, appropriate weights would be provided for both technical and financial offers; typically, it would be 80 percent weightage for the technical bid and 20 percent weightage for the financial proposal, and the final selection would be based on the summation of the technical and the financial scores.

7.2. Contractual Provisions for Labor Management and OHS

The environmental and social risks and impacts, including labor management and OHS issues identified in the MERITE project, will be managed through the implementation of ESMP through the contractors and consulting organizations. The labor-management and OHS of workers and related issues arising during construction works will be under the direct control of contractors and will be managed by contractors. The construction contracts will include provisions related to labor and OHS as provided in the WB Standard Procurement Documents and the GoI and State laws and regulations. Contractual requirements for civil works will require that the contractors undertake the following actions:

⁹ For workplace-related advice, consult [WHO guidance on getting your workplace ready for COVID-19](#); and for guidance on water, sanitation, and health care waste relevant to viruses, including COVID-19, consult [WHO interim guidance](#).

Actions on Occupational Health and Safety:

- Comply with all central and state laws and regulations on the OHS of workers.
- Comply with the requirements of ESS2 on Labor and Working Conditions and WB Group's General EHS Guidelines.
- Provide workers with a safe working environment, including (a) facilities such as drinking water, sanitation, first-aid kit, etc. (b) modification, substitution, or elimination of hazardous conditions or materials from the work environment.
- Provide workers with all required PPE (Personal Protection Equipment) and safety gear.
- Make emergency prevention, preparedness, and response arrangements to emergencies.
- Institute remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.
- Conduct, keep records and report monthly OHS training for workers.
- Monitor, keep records and report OHS incidents and accidents at the sub-project site.

ALL BID DOCUMENTS WILL INCORPORATE the ESHS requirements as special conditions and performance requirements. The ESHS performance requirements incorporated in the bid documents obligate the contractor, upon mobilization, to prepare a Contractor's ESMP (C-ESMP) that will include OHS plan, labor management plan, labor Influx management plan, workers' campsite management plan, GRM for workers', COVID-19 considerations and among others in accordance with the GoI, & WB requirements. The C-ESMP will be reviewed and approved by the SPIU and NPIU, prior to commencement of construction works.

The approved C-ESMP will be reviewed periodically and updated promptly to address changed requirements during project implementation.

7.3. Worker's Age of Employment

- **Direct Workers**

The Direct workers will be technically qualified, with ages ranging between a minimum of 18 years and a maximum of 60 years. The direct workers recruited to MERITE will be DHE, MoE employees, whose credentials would have been duly verified by GoI at recruitment.

- **Contract Workers**

The National Law permits engaging a technically qualified and or skilled contract worker between the age of 18 to a maximum of 60 years, whereas the age of unskilled workers can range between 18 to 50 years, and in no case can it be expected to exceed 60 years.

It is possible that some of the personnel (especially consultants) deployed by PIU, in exceptional cases, could have a maximum age of 65 years.

DHE could verify the age of the personnel deployed by PIU/TSG through valid documents like an AADHAR Card /Voter Card/Passport/Valid Driving License.

It is possible that some of the managerial or supervisory level contract workers deployed by the Contractor, in exceptional cases, could have a maximum age of 65 years.

PIU/TSG, through the participating institution, could verify the age of the skilled and unskilled personnel deployed by the Contractor through valid documents like an AADHAR Card/Voter Card/Passport/Valid Driving License. In exceptional cases, where the unskilled worker(s) cannot produce valid age proof documents for whatsoever reason, the age could be ascertained via

medical examination by the competent medical authority at the Government hospital at the expense of the Contractor.

Under no circumstance will children under 14 years of age be engaged in any prohibited work as per Gol and State Government norms. The same is as per the Child Labor Prohibition Act, 1986, and Child Labor (Prohibition and Regulation) Amendment Rules 2017.

Suppose the institution/PIU/TSG/DHE officials detect it. In that case, the Contractor will be immediately issued a show-cause notice for termination of the contract, and the matter will be duly reported to WB with immediate effect.

7.4. Payment of Wages

- **Specific wages of Direct Workers**

The Direct workers engaged for the project are Government Officers whose salary and other emoluments will conform to the Rules and Regulations issued by the Department of Personnel and Training (DoPT), Gol.

- **Specific wages of Contracted Workers and Community Workers**

The wages of consultants/personnel deployed through DHE/PIU/TSG or other consultancy firms for various studies are contracted services and determined through two-stage competitive bidding (technical and financial) procedures and prevailing market rates.

The wages of technically qualified, skilled, unskilled workers to be engaged by the Contractor are determined by the Department of Labor and Employment, subject to the Minimum Wages Act, 1948. There will not be any discrimination in wages paid to male and female workers, and the same wages will be paid for equivalent work to all workers in conformity with the Provisions of Equal Remuneration Act, 1976.

7.5. Work Hours

The Direct workers at the DHE will work as per State Government Rules, which will follow the relevant notification by the Department of Personnel and Training, Gol. The work hours for contracted workers will not be more than 48 hours per week and 9 hours per day. Any contract or community workers made to work over the same will be entitled to overtime pay per building and other construction workers act, 1996.

7.6. Other Specific Terms and Conditions

- No contracted worker will be required or allowed to work continuously for more than five hours unless he/she had an interval of rest of not less than half an hour.
- The working day of the contracted workers will be so arranged that inclusive of the intervals of rest, it will not be more than twelve hours on any day
- Every worker will be allowed one day off as a rest day, ordinarily Sunday.
- No worker will be made to work on any day, which Central or State Government has notified in the Official Gazette as a Gazetted holiday, or any day declared as a National Holiday.
- All contract workers, particularly unskilled workers, can be directly engaged by the Contractor or sourced through labor contractors. In such cases, the labor contractor shall have valid registration with the competent authority in the participating state.
- 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 labor contractors or any sub-contractors.

- Any denial and/or untimely payment of wages to workers will render the Contractor liable to action before the relevant Labor court/Industrial Tribunals under the Legislations.
- Conditions of employment for skilled and unskilled workers will conform to Building, and other construction workers act 1996.
- Under no circumstances child labor or forced labor (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 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.
- Regarding COVID-19, the safety protocols of the project would be guided by the Guidelines and SOPs as provided by the Central and State governments or the WB. The guidelines regarding staff attendance, arrival, departure of employees, lunch breaks, downloading and installation of the Aarogya Setu app, etc., would be strictly followed. Similar guidelines issued by Central Public Works Department would apply to workers at construction sites in terms of protocols to be observed at the site, including quarantine for 14 days for workers from outside. The Contractor will strictly adhere to these COVID-19 SOPs and Guidelines of State and Central governments, including WB (where applicable) at all construction sites, which will also be a part of the Contractor's labor management plan.

7.7. Monitoring of Performance of Contractors

The PIU/TSG supported by the participating institution will monitor the performance of contractors concerning contracted workers focusing on compliance by contractors and their contractual agreements and this LMP. This will include the following:

- Review of Contractor's monthly reports
- Review of Contractor's incident/accident reports
- Periodic monitoring visits to sub-project sites involving spot checks and interaction with workers
- Inspection of on-site records maintained by Contractor

The performance requirements by the Contractor will be overseen and managed by the institution under the overall guidance and direction of the CPA.

In the context of COVID, additionally, the Contractor will be required to include:

- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate due to close contact with infected workers, and compensation payment in the event of death
- Designating/appointing a COVID-19 focal point officer responsible for monitoring and reporting COVID-19 issues and liaising with competent authorities designated by district administration or the State Government.

Non-compliance by the Contractor will result in remedial actions as per the provisions of the contractual agreement.

8. Implementation Arrangement - PIU/TSG

The MERITE is a Central Sector Scheme; overall responsibility will lie with the Department of Higher Education (DHE) of the MoE. The MoE will constitute a National Steering Committee (NSC) assisted by the National Project Directorate headed by the National Project Director (Additional Secretary in charge of higher/technical education). The MoE will delegate day-to-day implementation to a

sufficiently staffed Project Implementation Unit (PIU)/ Technical Support Group (TSG), which will undertake all implementation-related activities following the Project Implementation Plan (PIP), prepared by the MoE and agreed with the World Bank.

8.1. Engagement and Management of Project Workers

Direct Workers: All Direct Workers engaged under MERITE at the DHE will be managed and overseen by the NPD. Other than the DHE staff, MERITE will have PIU/TSG staff project implementation at the center and SPIU in the participating states.

Contracted Workers: All the Contracted Workers will be engaged by the National Project Director. In the case of civil works, these workers would be managed by a Project-in-charge, representing the contractor. The Project-in-charge will also address the contracted workers of subcontractors (If any). In the case of consultancy services for conducting various studies, the different consultancy teams would be managed by their respective Team leaders of the consultancy firm under the directions of the NPD to be supported by the Central Project Advisor (CPA).

8.2. Training of Workers

The OHS Plan will be submitted by the contractor to the institute and approved by SPIU in consultation with the PIU/TSG before construction activities. The OHS Plan will be part of the C-ESMP and will have *procedures and protocols* for the training of workers at various stages as hereunder.

- Induction training of new workers on OHS
- Briefings by work supervisors daily, sensitization of workers about safety procedures at work for the day
- Briefing on safety at work procedures prior to commencement of any new activity/tasks
- Periodic review and refresh of site protocols on safety procedures at work
- Response and reporting in case of injuries and/or incidents related to safety at work
- Periodic health check-ups and encourage to report occupational health issues
- Create Awareness and report unsafe incidents at work, injuries including minor ones
- Awareness and mock drills about emergency response plan at worksite and reporting protocols
- Awareness and Briefing on the Grievance Redressal Mechanism,
- Mandatory adoption of Covid-19 protocols as directed by Central and State governments and WB.

The contractors will be encouraged to deploy ESHS officers and work supervisors who have undergone professional training or certified courses in OHS at workplaces from accredited institutions.

Specifically, in the context of COVID, DHE will require the Contractor's ESMP to cover aspects relating to the following:

- Details of key responsibilities and reporting arrangements vis-à-vis the project's Supervising Engineer and the main contractor
- Coordination and reporting arrangements between contractor and supervisor
- Raising awareness and training of workers in mitigating the spread of COVID-19
- Assessment, quarantining, and treatment of patients and/or workers infected with COVID-19.

8.3. Grievance Mechanism (CTGRAMS)

CTGRAMS (Centralized TEQIP Grievance Redress and Monitoring System) is the platform based on web technology set-up under the previous technical support project, TEQIP-III. The system was made accessible to all project-affected people through the portal, e-mail, phone, text messages, and

complaint boxes at every institute or in person. This portal also facilitated tracking grievances through the system-generated unique registration number (URN). Under TEQIP-III, it had a multi-tier system to redress the complaints. Level 1 was the institution level, Level 2 was - State level, and Level 3 was MoE. The same portal will be used in MERITE implementation. The following steps will be taken for MERITE.

- Information relating to the CTGRAMS functioning, including channels, tiers, timings, the procedure for registering complaints, handling of complaints, maximum time limits for redressal of complaints, escalation level for unresolved cases, and resolution thereof, will be disseminated to the workers upon joining. Regular training/sensitization will be conducted. Likewise, Consulting agencies that MERITE will contract for various activities/studies/works, etc., will ensure that they have established/functioning GRMs to address respective workers' concerns PIU/TSG.
- **Direct Workers:** The National Project Director/ Head of TSG/PIU, MERITE, will be responsible for providing guidance and advice on all worker-related grievances and their redressal, in line with the Central Government Rules and Regulations and CTGRAMS.
- **Contract Workers:** The contractor of the respective construction sites will be obligated to set up a GRM significantly to redress complaints relating to workers deployed for construction works under MERITE. The GRM will have due representation of Project Management/ Construction Supervision Consultant, Contractor, Workers, and women (either from institution/contractor/workers). The mandate for GRM, Institutional arrangements, the procedure for receiving complaints, time limits for redressal of complaints, escalation level for unresolved cases, and resolution thereof will be finalized during the approval of C-ESMP by PIU/TSG. SPIUs will have oversight of this labor GRM. The GRM for the Workers will be set up during the mobilization phase of the contractor. The contractor will also be responsible for tracking and resolving workers' grievances and maintaining records about grievances/complaints received, minutes of discussions, recommendations and resolutions made thereof, and intimation of grievance resolution to the complainant.
- **In the COVID context,** the nature of complaints will be particularly time-sensitive and sensitive in terms of confidentiality. Hence, the Contractor should consider streamlined procedures to address specific worker grievances, allowing workers to quickly report labor issues, such as a lack of PPE, lack of proper procedures, or excessive overtime, and let the workers say freely, respond, take necessary action.

8.4. Other portals for filing grievances

8.4.1 CPGRAMS

Centralized Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform available to the citizens 24x7 to lodge their grievances to the public authorities on any subject related to service delivery. It is a single portal connected to all the Ministries/Departments of Government of India and States. Every Ministry and States have role-based access to this system. CPGRAMS is also accessible to the citizens through a standalone mobile application downloadable through the Google Play store and a mobile application integrated with UMANG.

The status of the grievance filed in CPGRAMS can be tracked with the unique registration ID provided at the time of registration of the complainant. CPGRAMS also provides appeal facility to the citizens if they are not satisfied with the resolution by the Grievance Officer. After the closure of the grievance

if the complainant is not satisfied with the resolution, he/she can provide feedback. If the rating is 'Poor,' the option to file an appeal is enabled. The status of the Appeal can also be tracked by the petitioner with the grievance registration number.

Issues that are not taken up for redress by this system:

- Subjudice cases or any matter concerning judgment given by any court.
- Personal and family disputes.
- RTI matters.
- Anything that impacts upon territorial integrity of the country or friendly relations with other countries.
- Suggestions.

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9. Annexure

9.1. Annex-1: Standard Operating Procedure (SOP) & Guidelines for Construction sites for COVID-19 Outbreak

भारत सरकार
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F.No.2/9/2020-WII/DG/ 169

dated the 05.05.2020

कार्यालय ज्ञापन

विषय: Standard Operating Procedures (SOPs) and Guidelines for Construction Sites for COVID-19 Outbreak.

The undersigned is directed to circulate a copy of Standard Operating Procedures (SOPs) and General Guidelines applicable to all to ensure safety of construction site workers as per Annexure.

All SDGs/ ADGs, CPWD are requested to ensure/ follow the SoPs and General Guidelines for site workers.

This issues with the approval of Director General, CPWD.

Encl: As above.


(नरेश कुमार)

कार्यपालक अभियंता (सिविल)-II

To
All SDGs/ ADGs, CPWD
(Through CPWD website)

**Central Public Works Department
Standard Operating Procedures (SOPs) and
Guidelines for Construction Sites for
COVID-19 Outbreak**

In response to COVID-19 outbreak, the following Standard Operating Procedures (SOPs) and guidelines to ensure safety of construction site workers are issued for field units. In addition to trained Supervisor(s), a Site Safety Representative (SSR) will be deployed at every site, to ensure the safety guideline is followed. Necessary trainings will be given in advance to Supervisors and SSRs, so that they can train the workers further.

A. General Guidelines – Applicable to All

1. The workers coming from outside will be required to self-declare their health profile as per Annexure 1 and shall be quarantined for a period of at least 15 days. Mandatory
2. Thermal Scanning of everyone entering and exiting a construction site will be done for fever with thermal scanners. If anyone leaves and re-enters the site during the shift, re-screening of the individual will be done prior to re-entry into the work site.
3. PPE and Other material requirement shall be documented as per Annexure 2.
4. Provision for hand wash & sanitizer (touch free recommended) will be made at all entry and exit points and common areas (including at distant locations like higher floors). Everyone will be required to wash & sanitize his/her hands before entering the site and using PPEs. Same procedure to

be followed after removing PPEs and exiting the premise. Sufficient quantities of all the items should be available at the site.

5. All Protocol including Emergency Response will be laid out. Periodic tailgate sessions will be arranged to review site protocols in view of highly dynamic scenario ensuring social distancing norms. During these sessions, everyone including workers will be informed about the safety guidelines and important updates. Necessary arrangements for announcements shall be made at every site.
6. Mandatory use of PPEs (face mask, hand gloves and other as applicable) by everyone entering the premise. Re-usable PPEs should be thoroughly cleaned and should not be shared with others.
7. Entire construction site including site office, labour camp, canteens, pathways, toilets, and entry / exit gates will be disinfected on daily basis. Housekeeping team should be provided with necessary PPEs.
8. There will be total Ban on non-essential visitors at sites (including from Head office staff, consultants etc.).
9. There will be strict ban on Gufka, Tambaku, Paan etc. on site and spitting shall be strictly prohibited.
10. Food should be consumed at designated areas only ensuring social distancing.
11. Common sitting arrangements should be removed.
12. Post lunch, waste should be disposed by individual in designated bins and area should remain clean.

13. Areas with a probability of bigger gathering, for eg. cleaning area, toilets etc. should be identified and all arrangements should be made to ensure social distancing.
14. A doctor will be present periodically (at least once a week) at site on allotted time for any medical assistance.
15. Appropriate signage at construction site spelling out safety practices in the language which is understood by all.
16. Hospital/clinics in the nearby area, which are authorized to treat COVID-19 patients. should be identified and list should be available at Site all the time.
17. For any confusion, clarification and update, everyone should approach designated authority or rely on authentic source.
18. Rumors shall be discouraged and offenders be warned.
19. An isolation room shall be created at site.

B. Guidelines for Workers

1. On day 0, before resuming the work on site post lockdown period, mandatory medical check-up will be arranged for all workers. The workers coming from outside will be quarantined for a period of at least 15 days. Only medically fit workers will be deployed at site and medical assistance will be arranged for unfit workers. Medical checkup camp should be arranged every month.

2. The labours staying at site will not be allowed to go outside. All the essential items will be made available to labours at site only. If necessary, the workers can go out wearing PPEs, after informing supervisor. Similarly, no outside labour will be allowed at site without following proper procedure and instructions.
3. Start time on site will be staggered to avoid congestion at the entry gates. Number of workers working at a particular time / place will be reduced by making arrangements for different shifts / areas. Accordingly, additional staff such as security guards, supervisors etc. will be deployed.
4. As in most cases, workers reside at the Sites, hence there is no need for any travel. For Workers staying outside, (which are always nearby) special transportation facility will be arranged without any dependency on the public transport system.
5. During attendance, training and other sessions, social distancing guidelines will be followed along with provision of no-touch attendance.
6. Workers should not shake hands when greeting others and while working on the site.
7. Workers shall avoid contact with sick people and avoid going to site if they are feeling sick, have fever, cough or shortness of breath. In such case, supervisor should be informed immediately.
8. Workers with such symptoms should not come to site and should be placed in isolation and medical assistance will be provided on immediate basis.

9. Mandatorily wear face masks while working on site. While not wearing masks, worker shall cover his mouth and nose with tissues.
10. Cough/sneeze should be done in the crook of one's arm and your elbow.
11. Avoid large gatherings or meetings of 10 people or more. Stay at least 6 feet away from others on job sites and in gatherings, meetings, and training sessions.
12. Not more than 2/4 persons (depending on size) will be allowed to travel in lifts or hoists. Use of staircase for climbing should be encouraged.
13. Workers should clean hands frequently by washing them with soap and water for at least 20 seconds. When hand washing isn't possible, alcohol-based hand sanitizer with greater than 60% ethanol or 70% isopropanol should be used.
14. Workers should not share their belongings like food, water bottles, utensils, mobile phones etc. with others.
15. The utensils should be washed properly post use at designated place.
16. Post work, workers should change their clothes before leaving the site and clothing should not be shook out.
17. Avoid touching eyes, nose, or mouth with unwashed hands.

C. Guidelines for Material, Tools, Machinery, Vehicles etc.

1. Wipe down interiors and door handle of machines or construction vehicles, the handles of equipment and tools that are shared, with disinfectant prior to using.

2. Non-touch waste bin with disposable garbage bag should be installed for waste collection at all common access areas.
3. Proper disposal of garbage should be ensured.
4. At all point of time, easy access to parking should be ensured since public transit is limited.
5. All construction material arriving at site should be left idle for 3 days before use to ensure safe usage.
6. All vehicles and machinery entering the premise should be disinfected by spray mandatorily.

D. Emergency protocol in case of detection of symptoms of COVID 19 to be observed by Project Manager of Contractor

1. Immediate shift worker to isolation room. Inform the Engineer-Incharge CPWD or his Nodal officer.
2. Call for a doctor.
3. Keep worker under observation for a few days in isolation room. In case of doubt act per advice of local doctor.
4. Covid testing shall be arranges as per instruction of Doctor and if so advised by Doctor move worker to Hospital.
5. Prevent rumours and take strict action against those who spread it.

E. Responsibility of various stakeholder

Responsibility of various stakeholders shall be as below

S no	Designation	Responsibility
2	CPWD Nodal officer as designated by Engineer in Charge	To coordinate efforts on behalf of Engineer in Charge and ensure compliance of these SOPs. He shall send a daily confirmation of compliance of SOPs.
1	Project Manager of Contractor	Overall responsibility of ensuring compliance of procedure and precautions in SOP. To submit daily compliance report to CPWD Nodal officer To designate a senior person as COVID Marshal and form a team under him
2	COVID Marshal (Nodal Officer)	To exclusively look after the implementation of all the precautions and procedure at work site and labour camps To intimate daily requirement of PPEs, sanitizers, disinfectants etc in their respective sections Regular attendance of workers to ensure no one leaves the site Permission from local authorities Ensuring Timely payment to workers/ staff

9.2. Annex 2: Outline of Contractor's ESMP

1. Licensing Requirement

- Statutory Permissions/NOC/Approvals/Labor License
- Insurance
- Any Other

2. Workforce Management under COVID-19 consideration

- Profile of work force – work activities, schedule, contract duration, workforce rotation plan, workers place of stay, workers with underlying health issues
- COVID 19 Contingency Plan covering pre-health check-up, access restrictions, hygiene, waste management, PPE provision and usage
- Reporting and handling of Instances of COVID 19 cases, training and communication with workers, training and SOPs on communicating and contact with community

3. Resource Planning

- Water and power requirement for works and locations
- Need for water line or electrical wiring
- Raw material requirement and source(s)
- Temporary storage(s) at site and location(s) – cover/uncovered
- Transportation route from source to storage
- Identification of accident hotspots on village roads
- Need for speed breakers/governors/signage

4. Pollution Prevention

- Potential of dust emission from openly stored raw material and mitigation arrangement – covering, sprinkling, etc.
- Potential of water pollution from spillage and leakage from raw material storage and preventive measures
- Potential of air emissions from works including toxic emissions from paints and chemicals, emissions from DG sets and other construction equipment – locations where potential is high, possibility of community impact, impact on workers, preventive measures such as dust masks for workers, etc.
- Potential of noise generation from works (use of equipment and machinery, demolition work) including from any activity planned at night – locations where potential is high, possibility of community impact, impact on workers, preventive measures such as ear-muffs, etc.
- Potential of water pollution from works – possibility of leakage to surface water or accumulation in low lying areas; preventive measures/treatment requirement
- Construction debris requiring disposal – quantum, sources(s) of generation, identified dumping sites, transportation mode and route, period of dumping and restoration plan

5. Occupation Health & Safety and Emergency Management

- List of work locations, hazards/risks
- Lists of tasks and work zone critical for hazard prevention
- Location of warning signage for hazard prevention
- Requirement of first aid boxes and fire extinguishers – task and location wise
- Key person(s) to be contacted during emergency
- Protocol for deciding the level of emergency – need for hospitalization, information to authorities, etc.
- Process of accident analysis, corrective and preventive measures and need for reporting

6. Addressing GBV Risks

- Preventive measures – provision of lighting, separate toilet areas for men and women, increased vigil and security arrangement for community sensitive GBV hotspots, if identified by dam authorities.
- Sensitizing and awareness of labor on GBV issues including penalties and legal action against offenders
- Awareness about GRM

7. Code of Conduct

- Preparation of Code of conduct
- Making labor aware of conduct with all the provisions, dos and don'ts, penalties for noncompliance's, etc.
- Displaying CoC at prominent locations
- Signing of CoC by workers

8. Awareness and Training

- Plan for training and awareness covering Pollution Prevention, OHS, Use of PPEs, Accident reporting and emergency management, CoC, GBV, GRM, etc.
- Training schedule
- Training records

9. Labor Grievance Redressal Mechanism

- Details of GRM
- Process of receiving, redressing, escalation, reporting back
- Consolidated statement on Grievances

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9.3. Annex 3: Guidelines on the Code of Conduct

INTRODUCTION

This code of practice guides contractors undertaking the construction/ renovation/ refurbishment activities associated with the MERITE project. Construction work is work carried out in connection with the construction and commissioning, decommissioning, or dismantling of a structure.

Construction workers must always:

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

MANAGING RISKS WITH CONSTRUCTION WORK

The first step in the risk management process is identifying the hazards associated with construction work. Examples of hazards include:

1. Collapse of trenches
2. Falling objects, for example, tools, debris, and equipment
3. Hazardous manual tasks
4. Structural collapse
5. The construction workplace itself, including its location, layout, condition, and accessibility. The handling, use, storage, and transport or disposal of hazardous chemicals
6. The interface with other works or trade activities
7. 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.
8. 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, fiberglass roofs, skylights, and unprotected formwork decks welding fumes, gases and arcs.

GENERAL WORKPLACE MANAGEMENT ARRANGEMENTS

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

1. Providing a safe working environment
2. Zero tolerance for Child Labor
3. Providing and maintaining adequate and accessible facilities
4. Providing first aid
5. Preparing, maintaining, and implementing emergency plans
6. Providing workers with PPE, if PPE is to be used to minimize risk to health and safety
7. Managing risks associated with airborne contaminants

8. Managing risks associated with hazardous atmospheres, including ignition sources. Storage of flammable and combustible substances
9. Managing risks associated with falls, and
10. 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 main contractor attends the construction site.

Part II: Code of Conduct for Contractors

Each employee, including trainee or volunteer of a Contractor who interacts 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 authorized through it shall not abuse, sexually abuse, or sexually exploit, neglect, or maltreat any fellow employees or people from the general public/ 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 18 years and any person 18 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:

1. Harm or threatened harm, meaning damage or threatened damage to any person's physical or emotional health and welfare.
2. Unlawful confinement.
3. Deprivation of life-sustaining treatment.
4. Physical injury including, but not limited to, any contusion of the skin, laceration, malnutrition, burn, fracture of any bone, subdural hematoma, damage to any internal organ,

any injury causing bleeding, or any physical condition which imperils a person's health or welfare.

5. Any physical hitting or corporal punishment inflicted in any manner upon the body.

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

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

1. Taking indecent liberties with a person or causing an individual to take indecent liberties with a person intending to arouse or gratify the sexual desire of any person.
2. Employing, persuading, inducing, enticing, or coercing a person to pose in the nude.
3. Employing, persuading, inducing, enticing, or coercing a person to engage in any sexual or simulated sexual conduct to photograph, film, record, or display 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.
4. Use of profanities and obscene language in communities or when instructing others.

3) Neglect may include but is not limited to:

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

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

1. Smoke in public or smoking in undesignated areas b.
2. Consumption of alcohol while on duty/at work
3. Use and trading in narcotics

5) Financial exploitation will include, but is not limited to:

1. Utilizing labor of without paying for it, or at a non-commensurate financial rate/ wage.

6) Mistreatment will include, but is not limited to:

1. Physical exercises, such as running laps or performing pushups
2. Unauthorized chemical, mechanical or physical restraints Assignment of unduly physically strenuous or harsh work
3. Failure to behave politely and courteously to the general public
4. Requiring or forcing the individual to take an uncomfortable position, such as squatting or bending, or pushing people to repeat physical movements when used solely as punishment
5. Denial of any essential service solely for disciplinary purposes
6. Denial of visiting or communication privileges with family or significant others
7. 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 investigation. The contractor shall prominently display a poster, notifying contractor employees of their responsibilities and to report violations and giving appropriate phone numbers.

Contractor/ Employee/ Volunteer/ subcontractor

Signed:

Date (dd/mm/yyyy):

Name:

DRAFT