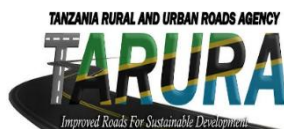


**THE UNITED REPUBLIC OF TANZANIA  
PRESIDENT'S OFFICE - REGIONAL ADMINISTRATION AND LOCAL  
GOVERNMENT**



**TANZANIA RURAL AND URBAN ROADS AGENCY (TARURA)**



**LABOR MANAGEMENT PROCEDURES FOR DAR ES SALAAM  
METROPOLITAN DEVELOPMENT PROJECT PHASE TWO**

**FINAL REPORT**

**JANUARY 2025**

## **Executive Summary**

### **Project Background**

The DMDP2, this was designed as a Series of Projects (SOP) to support the long-term development of the Dar es Salaam Metropolitan (Dar Metro) region. The recently closed DMDP was the first in a series aimed at addressing urgent infrastructure demands for basic services, urban mobility, and flooding in the Dar Metro region, as well as the need for support to develop the institutional structure and capacity to manage the future megacity of Dar es Salaam. The second phase of the DMDP entails at : (i) increasing coverage of project activities to include the newly established Ubungo and Kigamboni Municipalities of Dar es Salaam; (ii) implementing infrastructure sub-projects that were planned to be executed under DMDP Phase 1; (iii) make further interventions to address the still unaccomplished high demand for infrastructure and (iv) establish city-wide solid waste management systems and supportive infrastructure. The Project Development Objective (PDO) of the second phase of the DMDP Phase 2 is to improve urban services and institutional capacity and strengthen climate resilient development in the Dar es Salaam Metropolitan Area.

DMDP Phase 2; the Project will include the following project components include:

Component 1: Climate-Smart Priority Infrastructure:

Component 2: Metropolitan Solid Waste Management Infrastructure and Services:

Component 3: Strengthening Urban Institutions:

Component 4: Project Management:

### **Project Geographical Location**

The proposed DMDP 2 Project will be implemented in the Dar Es Salaam Region covering all 5 LGAs within the Region; these include Ubungo Municipal Council, Kinondoni Municipal Council, Temeke Municipal Council, Kigamboni Municipal Council and the Dar es Salaam City Council.

This Labor Management Procedure (LMP) has been prepared for the DMDP-2 to ensure compliance with Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the United Republic of Tanzania. The DMDP-2 will be coordinated by the Tanzania Rural and Urban Roads Agency's (TARURA) World Bank Projects Coordinating Unit (WBCU) operating under the President's Office – Regional Administration and Local Governments (PO-RALG). The Project Coordinating Team (PCT) will have managerial, administrative and coordination roles while the Project Implementing Team (PIT) will have a role of a day-to-day monitoring of the project implementation.

### **Overview of Labor use on the DMDP2**

The project will recruit and manage project personnel in full accordance with the Tanzania Employment and Labour Relations Act of 2004, the Occupational Health and Safety Act, 2003, Law of the Child Act of 2009, the Public Procurement Act Cap 410 (as amended in 2016) and Regulation 30c of Public Procurement Regulation of 2013 (as amended in 2016), as well as the World Bank's Environmental and Social Framework on employment, labour

and local content within construction sector mentioned in the ESS2. It is expected that the project will engage the following categories of **project workers** as defined by ESS2:

**Direct workers:** Direct workers will be independent consultants hired specifically to work in relation to the DMDP2 and be integrated into the PCT as well as those employees under PIT. These workers will be engaged through the standard form of Contracts for Consultancy services provided by the World Bank with standard wording. A number of PCT personnel will be along the line of the following: Project Management, Environmental and Social Specialists, Sub-Project Coordinators, Financial Specialist, Procurement Specialists, Administrative services etc. Direct workers will include PCT Staff. The estimated number of direct workers would not likely exceed 80 including the Management Unit, *Timing of labor requirements:* Direct project workers are eligible to work on full-time fixed renewable contracts for the duration of the entire project implementation. For the consultants, the duration of contracts will vary by assignment but generally, not less than one year.

**Contracted workers:** Contracted workers will be engaged or employed by third parties i.e. contractors, sub-contractors and service providers/consultants needed for project implementation, and these include professionals and support staff provided by the Contractor or Consultants or by any Sub- Contractor or Sub-Consultants assigned to perform the services or any part thereof. It is estimated that between 300 to 500 contracted workers will be engaged under the DMDP 2 Project for each LGA. Contracted workers timing and labor requirements will vary by assignment.

**Primary Supply Workers** People employed or engaged by the borrowers primary suppliers i.e., companies engaged by Contractors to provide materials, etc. They are not workers hired directly by the sub-project contractors, Henceforth, Primary supply workers are subject to ESS2 and will be looked through the lens of ESS1 and ESS4 and the area covered by relevant management plans. It is estimated that between 500 and 1,000 primary supply workers will be engaged under the DMDP2.

#### **ES 4 Assessment of Key Potential Labor Risks**

Substantial use of labor is mostly anticipated to arise from implementation of Sub-projects that will be implemented on DMDP2 Project. The different activities the project workers will carry-out include Construction of strategic infrastructure investments identified under existing urban management plans. Potential labor risks associated with the implementation of sub-project activities associated with DMDP2 include occupational health and safety related risks (e.g. accidents and injuries), likely incidences of child labor; potential risk of forced labor, risks of Gender Based Violence, labor influx related risks (e.g. likely incidences of increased rates of transmission of communicable diseases such as HIV/AIDS and COVID-19); and risks of employer non-compliance with national labor laws relating to terms and condition of employment ( including wages, benefits, as well as employment discrimination based on gender, disability, age, ethnicity, HIV/AIDS status).

### **Brief Overview of Labor Legislation: Terms and Conditions**

In Tanzania the Employment and Labor Relations Act (2004) and Labor Institutions Act (subsidiary legislations) and accompanying regulations provide a legal framework for the safeguard of worker's management and rights. The most relevant subsidiary legislations include:

- The Employment and Labor Relations (Code of Good Practice) Rules, 2007, Government Gazette, Notice No. 42 of 2007;
- The Employment and Labor Relations (Forms) Rules, 2007, Government Gazette, Notice No 65 of 2007; and
- The Employment and Labor Relations (General) Regulations, 2017, Government Notice 47 of 2017

This Act regulate employment matters in terms of employment standards i.e. maximum hours of work, minimum acceptable pay within the construction industry, night work standards, right to break during working day, leave and fair terminations, prohibition of child labor, prohibition of forced labor, freedom of association, leave provisions – annual, sick and holidays, dispute resolution/ grievance management, contractual arrangements, terms and working conditions and prohibition of discriminations.

### **Brief Overview of Labor Legislation: Occupational Health and Safety**

The Occupational Health and Safety Act No. 5 of 2003 has relevant clauses that support ESS2. Part IV and VI of the Act makes a provision for Safety enforcements at workplace whereby Part V, Part VII and Part VII provides Health and welfare baselines for persons at work with fundamental responsibility is entrusted to occupier under Section 95 of the Act. Furthermore, the Act describes procedures for the protection of persons other than workers against risks arising out of or in the course of operations at the workplace. Specific, relevant and direct legislation on occupational safety and health is found under the Occupational Health and Safety Act (OSH Act) of 2003. The Tanzanian OSH Act of 2003 sets standards that must be observed by employers to ensure that a workplace is safe and secure. Where no standards exist to deal with a particular issue, employers are bound by OSH Act's General Duty Clause which requires employers to provide a place of employment that is free from recognized hazards known to or are likely to cause harm, death or serious physical injury to its employees.

### **Consideration of COVID-19 during implementation of DMDP phase 2 Project:**

To minimize or no cases of transmission of COVID-19, project will ensure that all DMDP-2 sub-project activities regarding workers and the communities are performed in accordance with existing Tanzania's COVID-19 prevention guidelines; World Bank ESF; World Bank Group Environmental Health and Safety Guidelines; ESS2 and ESS4; WHO COVID-19 prevention guidelines. To ensure that the working environment does not impose imminent health or safety welfare risks, the DMDP2 shall ensure that appropriate mechanisms are put in place such as consideration of health and safety during sub-project designs.

## **Responsible Staff**

The TARURA WBCU will work as the PCT for Dar es Salaam Metropolitan Development Project phase two and a joint PIT will be established by implementing LGAs within the project area. Therefore, the PCT at WBCU level will be responsible for overall management and coordination of the Project, including the compliance with safeguards requirements including on labor and working condition. The PITs will supervise implementation of the LMP and oversee contractor's compliance as defined by specific plans. As part of procurement for works as well as during contractors' induction, the PITs will address all LMP aspects. The contractors will be contractually obliged to comply with all terms and conditions in this LMP on labor and employment issues.

## **Policies and Procedures**

A summary of indicative procedures to develop and implement the LMP, policies under Dar es Salaam Metropolitan Development Project is provided below:

### ***Occupational health and safety:***

Pursuant to the relevant provisions of the OSH Act No. 5 of 2003; Employment and Labor Relations Act of 2004, ESS2 (including WBG EHSs), and WB standard procurement documents, the PIT will manage the project in such a way that project workers are properly protected against possible OHS risks.

### ***Child labor or Forced labor:***

The minimum age of project workers for the project is set at 18 years and above. To prevent engagement of under-aged labor or any form of forced labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for noncompliance in-line with the relevant laws. The PIT is required to maintain labor registry of all contracted workers with age verification. More details are provided in Section 11.

### ***Labor disputes over terms and conditions of employment:***

To avoid labor disputes, fair terms and conditions will be applied for project workers (guided by relevant laws). The project will also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances (more details are provided in Section (10). Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the Employment and Labor Relations Act of 2004 and ESS2.

### ***Discrimination and exclusion of vulnerable groups:***

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the Employment and Labor Relations Act of 2004 on gender equality in the workplace, which will include provision of maternity and sick leave.

***GBV including all forms of sexual harassment:***

Given the implementation context, sexual harassment, exploitation and abuse of co-workers and learners is a likely risk. Thus, all staff and contracted workers will sign the CoC outlining expected standards of behaviour in this regard and attend an awareness session on the same which will address the consequences of such actions. The PCT will identify a qualified trainer/consultant to offer training on GBV.

***Monitoring and reporting:***

The PITs shall report on the status of implementation of the above policies and procedures monthly basis. The PITs will closely monitor day to day labor and OHS performance of the project and report to the World Bank on a quarterly basis (see Section 10 for more details).

***Fatality and serious incidents:***

In the event of an occupational fatality or serious injury, the World Bank will be notified within 48 hours of any accident or incident related to the project and this includes SEA/SH related incidents, as soon as it becomes aware of such incidents and inform the MoE in accordance with national reporting requirements. Corrective actions shall be implemented in a timely manner in response to project-related incidents or accidents.

**Age of Employment and Terms and Conditions**

As stipulated in Tanzania Employment and Labor Relations Act (2004) the minimum age of employment is 18 years, which is also stipulated in the International Labor Organization Conventions (138). The implementing agencies' standard for minimum age of employment/work is 18 years, and it will be among the terms of contracts regarding child labor. Tanzania Employment and Labor Relations Act (2004) addresses issues including the minimum, statutory requirement of any employment arrangement as presented in Labor Relations (Code of Good Practice) Rules, 2007; Employment and Labor Relations (Forms) Rules, 2007; and Employment and Labor Relations (General) Regulations, 2017. Where the national laws differ from ESS 2 and ESS4 provisions and provide lower levels of protection to the workers, the later shall take precedence.

**Workers' Grievance Redress Mechanism**

In line with the provisions of ESS2, a grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The GRM will involve a formal process for receiving, evaluating and addressing workers' project-related grievances and concerns, including workplace sexual harassment.

### ***World Bank Grievance Redress System***

Project workers may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address the project's labor related issues. Project workers may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projectsoperations/products-and-services/grievanceredress-service>

### ***Gender-based Violence (Sexual Exploitation, Abuse and Workplace Sexual Harassment)***

Grievances related to gender-based violence will be reported through the project/contractor safeguard specialist, the nature of the complaint will be recorded along with the age of the complainant and relation to the project/sub-project will be recorded but the issue will be referenced to relevant institutions that include the Police Force, the Labor Ministry and officials from the Ministry of Gender. In addition, the ESIA may identify additional mitigation measures related to gender and such measures will be reflected in site specific ESMPs, including the contractors ESMP or contractors specific Labor Management Plans, where required. This will include engagement with communities on gender related risks, grievance and response measures available, as identified in the manual.

### **Contractor Management**

PIT will ensure that the contractor execute the management of the contract in a manner that is acceptable to the client (i.e TARURA) the National legal requirements and is in accordance to the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labor issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project. The Supervision Consultant will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance with their contractual agreements. The implementing Ministry (PO-RALG) will require contractors to operate in a manner consistent with the requirements of the ESSs, including the specific requirements set out in the ESCP.

### **Primary Supply Workers**

The extent to which the Project's procurement will rely on suppliers supplying goods and materials on an ongoing basis is currently not known; however, where a significant risk of child or forced labor or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers. This is to ensure compliance with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers). Third parties i.e. Contractors will be required to ensure their Suppliers comply with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary

suppliers); and to ensure that Employees of any Suppliers or subcontractors are adequately trained on the requirements covered in the law. This will be ensured by having the Primary suppliers sign a statement of compliance confirm that they adhere to the national requirements and ESS2 regarding labor and working conditions and these LMP as applicable.



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## List of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
C-ESMP	Contractor's Environmental and Social Management Plan
CoC	Code of Conduct
COVID-19	Corona Virus Disease
DMDP2	Dar es Salaam Metropolitan Development Project Two
EHS	Environmental Health and Safety
EHSGs	Environmental Health and Safety Guidelines
ERP	Emergency Response Plan
ESCP	Environmental and Social Commitment Plan
ESIA	Environmental and Social Impact Assessment
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS1	Environmental and Social Standard – 1
ESS2	Environmental and Social Standard – 2
ESS4	Environmental and Social Standard – 4
GBV	Gender Based Violence
GFP	Grievance Focal Point
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
GRC	Grievance Redress Committee
HIV	Human Immune Deficiency Virus
HSMP	Health and Safety Management Plan
ILO	International Labor Organization
LGAs	Local Government Authorities
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MOWTC	Ministry of Works, Transport and Communication
OHS	Occupational Health and Safety
PCT	Project Coordinating Team
PDO	Project Development Objective
PIT	Project Implementing Team
PO-RALG	President's Office – Regional Administration and Local Governments
PPEs	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
TANROADS	Tanzania National Roads Agency
TARURA	Tanzania Rural and Urban Roads Agency
TTL	Task Team Leader
UN	United Nations
WB	World Bank
WBCU	World Bank Coordination Unit
WBG	World Bank Group
WHO	World Health Organization

## **1. Introduction**

### **Project Background**

Regarding the DMDP2, this was designed as a Series of Projects (SOP) to support the long-term development of the Dar es Salaam Metropolitan (Dar Metro) region. The DMDP project that was closed in November 2022 was the first in a series aimed at addressing urgent infrastructure demands for basic services, urban mobility, and flooding in the Dar Metro region, as well as the need for support to develop the institutional structure and capacity to manage the future megacity of Dar es Salaam.

The Project Development Objective (PDO) of the first phase of the DMDP was to improve urban services and institutional capacity in the Dar es Salaam Metropolitan Area and facilitate potential emergency response. The main components of this recently closed project addressed infrastructure development, including rehabilitation/construction of roads, flood control & storm water drainage, upgrading of infrastructure for low-income communities in unplanned settlements, and enhancement of other key urban services to a limited extent, leaving Dar es Salaam in need of more such efforts to have an appreciable impact on the challenges currently facing the Dar Metro Area.

While DMDP Phase 1 has delivered transformational improvements at the neighborhood level, a significant infrastructure backlog remains and Dar es Salaam's ability to meet the demands of a livable and economically productive metropolitan area still constrained. As the city expands and densifies, engineering solutions are needed to improve storm-water conveyance but also nature-based solutions (NBS) to restore natural drains and reduce erosion and sedimentation, increase green cover, and improve infiltration before water enters drains. Solid waste generation is increasing exponentially, and current services have large service gaps especially in informal areas and disposal is inadequate and often-times inaccessible.

### **1.2 Project Objective**

The second phase of the DMDP entails at : (i) increasing coverage of project activities to include the newly established Ubungu and Kigamboni Municipalities of Dar es Salaam; (ii) implementing infrastructure sub-projects that were planned to be executed under DMDP Phase 1 but could not be accommodated due to financing limitation; (iii) make further interventions to address the still unaccomplished high demand for infrastructure development by extending coverage into remaining areas of Kinondoni and Temeke Municipalities, and the Dar es Salaam City (formerly Ilala Municipality) including roads, flood control & storm water drainage, infrastructure facilities in unplanned settlements and other key urban services; and (iv) establish city-wide solid waste management systems and supportive infrastructure & landfill facilities.

The Project Development Objective (PDO) of the second phase of the DMDP Phase 2 is to improve urban services and institutional capacity and strengthen climate resilient development in the Dar es Salaam Metropolitan Area. DMDP Phase 2; the Project will include the following project components include:

Component 1: Climate-Smart Priority Infrastructure: Is a program of priority investments to address urban infrastructure gaps in a way that responds to increased hazards and risks from

climate change and urbanization and helps reduce greenhouse gas emissions. The focus is on improving urban mobility and adapting to climate change by financing: the construction of feeder and local roads, storm-water drainage infrastructure, parks and open spaces, and area based urban development.

Component 2: Metropolitan Solid Waste Management Infrastructure and Services: This Component will develop an integrated solid waste management system for Dar es Salaam.

Component 3: Strengthening Urban Institutions: This component will focus on strengthening new and existing institutions and building capacity to achieve improvements in urban and emergency planning, services and infrastructure, enhancing the sustainability of investments made through Component 1 and 2 and mainstreaming climate friendly urban planning, infrastructure and services.

Component 4: Project Management: This component will finance the direct costs of management and operation of the project to ensure smooth delivery and compliance with World Bank policy and guidelines.

This Labor Management Procedure (LMP) has been prepared for the DMDP-2 to ensure compliance with Environmental and Social Standard 2 on Labor and Working Conditions (ESS2) of the World Bank's Environmental and Social Framework (ESF) and the national legislation and regulations of the United Republic of Tanzania. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the project by identifying the main labor requirements, the associated risks, and the procedures and resources necessary to address the project-related labor issues. The LMP sets out general guidance relevant to different forms of labor but also addressed issues and concerns that relate to COVID-19 considerations.

The DMDP-2 will be coordinated by the Tanzania Rural and Urban Roads Agency's (TARURA) World Bank Projects Coordinating Unit (WBCU) operating under the President's Office – Regional Administration and Local Governments (PO-RALG). The Project Coordinating Team (PCT) will have managerial, administrative and coordination roles while the Project Implementing Team (PIT) will have a role of a day-to-day monitoring of the project implementation.

The PCT comprises of the Project Coordinator who overlooks the Project on behalf of the PO-RALG Permanent Secretary, the Sub-Project Coordinator of the DMDP 2 project, Environment and Social Team, Monitoring and Evaluation experts, Finance, Procurement, Engineering team and Urban Planning. The main objective of the PCT is to coordinate the LGAs implementing the project as well as coordination at the Implementing Ministry Capacity and collaboration with the World Bank.

The PIT comprises of the same team as the PIT with the Project coordinator overlooking the project on behalf of the Municipal Director.

The project is designed as an Investment Project Financing (IPF) and as such needs to comply with the World Bank's Environmental and Social Framework (ESF) comprising, inter alia, the Environmental and Social Standards (ESS) 2. In response to the commitment of the Dar es Salaam Metropolitan Development Project 2 to comply with the ESF, the project coordinating Team (PCT) developed this Labor Management Procedure (LMP), laying out the project's

approach to meeting the objectives of World Bank ESS 2: Labor and Working Conditions. It sets out the terms and conditions for employment or engagement of workers on the project, specifies the requirements and standards to be met and the policies and procedures to be followed, assesses risks and proposes the implementation of compliance measures and promotes fair treatment, non-discrimination and equal opportunity of project workers. The LMP is developed to help avoid, mitigate and manage risks and impacts in relation to project workers and set out the way in which project workers will be managed, in accordance with the requirements of national law and the ESS2. The procedures address the way in which both standards will apply to different categories of project workers including direct workers, and the way in which third parties will manage their workers compliant with this document.

The LMP applies to **project workers**<sup>1</sup> as defined by ESS2. The focus of this LMP is on workers (**direct workers** - such as consultants engaged directly in the PCT as well as employees engaged in the PIT; **contracted workers** engaged by contractors to perform potential work; and **primary supply workers** who are employees of the service providers supplying goods and/or materials and those engaged to perform project related tasks of the Dar es Salaam Metropolitan Development Project Phase Two. This LMP sets out the procedures to address potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers will be identified and assessed including roles and responsibilities for monitoring primary suppliers. The legal framework of Tanzania guiding Labor and Working Conditions is, with a few minor shortcomings, strongly compliant with the ESS2 as Tanzania is signatory to the International Labor Organization (ILO) and United Nations (UN) Conventions informing the ESS2<sup>2</sup>). This is further explained in **Annex 1**.

## **2. Overview of Labor use on the Dar es Salaam Metropolitan Development Project Phase Two**

The project will recruit and manage project personnel in full accordance with the Tanzania Employment and Labour Relations Act of 2004, the Occupational Health and Safety Act, 2003, Law of the Child Act of 2009, the Public Procurement Act Cap 410 (as amended in 2016) and Regulation 30c of Public Procurement Regulation of 2013 (as amended in 2016), as well as the World Bank's Environmental and Social Framework on employment, labour and local content within construction sector mentioned in the ESS2.

There is a probability of labour influx from different parts of the country during the implementation of this project. Necessary measures such as engaging locals (coming from areas

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<sup>1</sup> The term "project worker" refers to: (a) people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers); people employed or engaged through third parties to perform work related to core functions of the project, regardless of location (contracted workers); (c) people employed or engaged by the Borrower's primary suppliers (primary supply workers); and (d) people employed or engaged in providing community labor (community workers). ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers

where the sub-projects are implemented) to do casual labour eg. Incidental manual work requiring little to no specialist training (e.g., field guides, vehicle breakdown servicemen) are proposed in the procedure and the monitoring mechanism embedded in the program will make sure that those are translated into regular practice. Furthermore, to ensure that basic labourers (unskilled) are from the local area, all vacancies shall be announced at the respective LGAs, Wards and Mtaa Offices, and candidates will be required to submit an introduction letter from Mtaa Authority. Responsible parties' (ie. Contractors) actions will be periodically monitored for records.

It is expected that the project will engage the following categories of **project workers** as defined by ESS2:

**Direct workers:** Direct workers will be independent consultants hired specifically to work in relation to the DMDP2 and be integrated into the PCT as well as those employees under PIT. A number of PCT personnel will be along the line of the following: Project Management, Environmental and Social Specialists, Sub-Project Coordinators, Financial Specialist, Procurement Specialists, Administrative services etc.

**Contracted workers:** Contracted workers will be engaged or employed by third parties<sup>3</sup> i.e. contractors, sub-contractors<sup>4</sup> and service providers/consultants needed for project implementation, and these include professionals and support staff provided by the Contractor or Consultants or by any Sub- Contractor or Sub-Consultants assigned to perform the services or any part thereof.

The contractual and legal relationship between the third parties and the PCT will be established through contracts awarded in line with the standard procurement procedures and bidding documents of the World Bank for project activities which have a standard wording for labor and working conditions requirements (Annex 2&3). Each Sub-Project will be subject to a competitive open tendering procedure both for works and supervision services (although the scope of one supervision service contract may cover multiple construction contracts.) The contracts will be awarded to well-known reputable national companies or international companies who will operate under the Tanzanian regulatory framework including Labor and Occupational Health and Safety (OHS) laws. Should Contracts be awarded to multiple entities forming a Joint Venture or association alike each company shall be bound by these LMP.

**Primary supply workers** people employed or engaged by the Borrower's primary suppliers i.e., companies engaged by Contractors to provide materials, etc. They are not

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<sup>3</sup> These include: ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention 98 on the Right to Organize and Collective Bargaining, ILO Convention 29 on Forced Labor, ILO Convention 105 on the Abolition of Forced Labor 2 Guidance Note – ESS2: Labor and Working Conditions • ILO Convention 138 on Minimum Age (of Employment) • ILO Convention 182 on the Worst Forms of Child Labor • ILO Convention 100 on Equal Remuneration • ILO Convention 111 on Discrimination (Employment and Occupation)

<sup>4</sup> Sub-Consultant/Contractor means any person or entity to whom/which the Contractor or Consultant subcontracts any part of the Works or Services

workers hired directly by the sub-project contractors, Henceforth, Primary supply workers are subjected to ESS2 and will be looked through the lens of ESS1 and ESS4 and the area covered by relevant management plans (i.e. the Project level ESMF, Sub-Project specific ESMPs and any contractor's management plan as required by the ESMF)- (Annex 4).

**Community workers** will not be engaged on the project.

## **2.1 Number of project workers:**

### **a) Direct Workers:**

Direct workers will include PCT Staff. The estimated number of direct workers would not likely exceed 40 including the Management Unit, Technical Unit, Social, Environmental, Financial, Procurement and Administrative. Direct workers will also include hired independent consultants, who specialize in the required disciplines; these consultants are hired under individual contracts/companies, with different time inputs and specific definition of the assigned tasks and responsibilities.

*Timing of labor requirements:* Direct project workers are eligible to work on full-time fixed renewable contracts for the duration of the entire project implementation. For the consultants, the duration of contracts will vary by assignment but generally, not less than one year.

### **b) Contracted Workers**

Contracted workers will be hired under the standard form of Contract for Construction. The number of Sub-Projects will correspond to the number of Contractors with the possibility of one contractor being awarded multiple Sub-Projects. Each contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. The terms and conditions of contracts for all the contracted workers will adhere to the Tanzania Employment and Labor Relations Act of 2004 Amended in 2019, the Occupational Health and Safety Act, 2003; and the World Bank ESS 2 and ESS 4. The labor requirement including the time schedule and deliverables will be as stipulated in their respective contracts. It is estimated that between 300 to 500 contracted workers will be engaged under the DMDP 2 Project for each LGA. *Timing of labor requirements:* Contracted workers timing and labor requirements will vary by assignment. They will generally be for a minimum of six months and potentially for several years during project life cycle depending on the contract duration.

### **c) Primary Supply workers**

Primary supply workers are employees of primary suppliers i.e., companies engaged by Contractors to provide materials, etc. They are not workers hired directly by the sub-project contractors. Henceforth, Primary supply workers are subjected to ESS 2 specially where there are likely situations of significant risks of child & forced labor and safety issues, e.g. supply of stone aggregates (stone quarries), gravel/murram, sand, etc.

The Borrower will implement diligently the measures and actions identified in the ESCP in accordance with the timeframes specified and will review the status of implementation of the

ESCP as part of its monitoring and reporting. The ESCP will describe the different management tools that the Borrower will use to develop and implement the agreed measures and actions. These management tools will include, as appropriate, environmental and social management plans, environmental and social management frameworks, operational policies, operational manuals, management systems, procedures, practices and capital investments. All management tools will apply the mitigation hierarchy and incorporate measures so that the project will meet the requirements of applicable laws and regulations and the ESSs in accordance with the ESCP throughout the project life cycle.

It is estimated that between 3000 and 5,000 primary supply workers will be engaged under the Dar es Salaam Metropolitan Development Project 2.

### **3. Assessment of Key Potential Labor Risks**

#### **3.1 Associated Project Activities**

Substantial use of labor is mostly anticipated to arise from implementation of Sub-projects that will be implemented on DMDP2 Project. The different activities the project workers will carry-out include Construction of strategic infrastructure investments identified under existing urban management plans. These infrastructures include Roads, Standalone drains, Markets, bus stops and solid waste infrastructures. The anticipated labour risks are described below:

#### **3.2 Potential project labor related risks**

Potential labor risks associated with the implementation of sub-project activities associated with DMDP2 include occupational health and safety related risks (e.g. accidents and injuries), likely incidences of child labor; potential risk of forced labor, risks of Gender Based Violence, labor influx related risks (e.g. likely incidences of increased rates of transmission of communicable diseases such as HIV/AIDS and COVID-19); and risks of employer non-compliance with national labor laws relating to terms and condition of employment ( including wages, benefits, as well as employment discrimination based on gender, disability, age, ethnicity, HIV/AIDS status). Details of measures to be deployed are presented in Table 1.

**Labor risks associated with employers' non-compliance with labor laws and regulations** governing implementation of DMDP2 Project at Sub-projects level.

Project implementation is likely to expose workers into risks of non-compliance of employer with national labor laws relating to terms and condition of employment such as wages, benefits, health and safety of workers as well as employment discrimination in relation to women, persons with disabilities and other members of vulnerable groups. The absence of a mechanism to express grievances and protect rights regarding working conditions and terms of employment represents another potential risk.

The PIT will implement procedures contained in this LMP and address the way in which project workers will be managed, in accordance with the requirements of national laws, ESS2, ESS4



and other applicable provisions of the WB ESF. The procedures address the way in which the labor procedures will apply to different categories of project workers, and the way in which the PCT will require third parties to manage their workers (Annex 3). The LMP provides a systematic mechanism where workers will express their grievances and concerns regarding working conditions and terms of employment. It is notable that the provisions of the Employment and Labor Relations Act (2004); the Non-Citizen (Employment Regulations) Act No.1 /2004; the National Social Security act no.27/2008; the worker's compensation Act No. 20/2008 are all relevant to project activities and largely compliant with ESS2.

### **Labor influx related risks:**

Labor influx is known to happen especially in large scale infrastructure development in Tanzania. Influx of labor to the Dar es salaam Metropolitan Development Project sub-project implementing areas has a potential risk of increased risks of communicable diseases transmission (eg. water-borne, water-based, water-related, and vector-borne diseases, HIV/AIDS, COVID-19 as well as GBV among workers and the nearby communities. Exposure to COVID-19 is the most alarming labor risks to be considered. Workers mobilized from adjoining districts or regions or from abroad, or local workers returning from abroad, may become vectors for transmission of COVID-19 to other workers in construction project sites and nearby communities. To ensure minimum or no cases of transmission of communicable diseases including COVID-19, the PIT will make sure that all DMDP -2 sub-project activities regarding workers and the communities are performed in accordance with the Public Health Act (2009); Occupational Safety and Health Act (2003); World Bank Environmental and Social Frameworks; World Bank Group Environmental Health and Safety Guidelines; ESS2 and ESS4; and COVID-19 prevention guidelines.

### **Occupational Health and Safety:**

Implementation of the DMDP2 sub-projects will entail working with cutting equipment; working at height, quarry sites and borrow areas where there may be blasting; areas with high level of noise such as compaction; manual handling; welding, steel erection; exposure to dust; ergonomic hazards during construction; excavation works; and movement and working on steep and treacherous terrain; working near water and exposure to potentially contaminated dredged material.

These works pose occupational hazards that may result in accidents, injuries and illness. The DMDP-2 Project has therefore prepared an Environmental Management Framework (ESMF) which will be site-specific, Environmental and Social Impact Assessments (ESIA) and Management Plans (ESMPs) that will guide the assessment of risks for the sub-projects. These ESIA and ESMPs will form part of bidding documents for contractors and will therefore guide the preparation of Site-Specific ESMP that will include Environmental Health and Safety Management plans which will detail how these risks will be managed for each of the sub-projects and each worksite for review and clearance by the implementing agencies.

**(a) Discrimination of employment on the basis of gender, disability, ethnicity, and HIV/AIDS status**

Under DMDP -2, all employment categories (direct workers, contracted workers) are at risk of all forms of discrimination, such as gender based violence including sexual harassment, among the workforce and between the workforce and local communities. The project supports equal opportunities of employment opportunities for both women and men, people with disability, HIV/AIDS or other health status, all races and ethnicity with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of these criteria.

To ensure that there is equal opportunity and non-discrimination among workers employed/engaged under all employment categories, PIT will ensure that all sub-project activities will be implemented in compliance with the guiding acts and regulations prohibiting any form of discrimination and/or harassment (directly/indirectly) against an employee. Furthermore, contractors and sub-contractors will be required to support equal opportunities for women and men, with emphasis on equal criteria for selection, remuneration, and promotion, and equal application of these criteria; put in place measures to prevent harassment of project workers, including sexual harassment, in the workplace; and if migrant workers are engaged, appropriate measures to prevent any discriminatory treatment on them shall be implemented.

The PIT will ensure that for all project workers, including workers engaged through contractors and subcontractors, and primary supply workers, will not be employed on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

**Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome (HIV/AIDS):**

HIV/AIDS prevalence varies across regions in Tanzania ranging from 11.4% in Njombe and 11.3% in Iringa to less than 1% in Lindi. As per HIV impact survey by conducted between 2016 and 2017 by National Bureau of Statistics, HIV/AIDS prevalence rate in Dar Es Salaam region is 4.7%, Construction works attract workers, both national or international, and services to support the project workforce. Most of the construction workers are mostly unaccompanied male who may therefore attract transactional sex workers in the project areas and also increase cases of sexual contact with local population creating a risk of spread of HIV/AIDS and other sexually transmitted infections. The project will include in the bidding documents and bills of quantities requirements for contractors to engage a local non-governmental organization working in the field of HIV/AIDS to sensitize the local communities and workers on HIV/AIDS; distribute condoms; provide Information and Education Materials (IEC) on HIV/AIDS; offer pre and post counselling and voluntary free testing services to the workforce.

**Likely incidences of Child labor or forced labor:**

Child labor or any form of forced labor will not be accepted by the project. This will be monitored systematically by the PIT and respective LGAs. As per Part II(a) of Tanzania Employment and Labor Relations Act (2004), no child under the age of 18 shall be employed in worksites where work conditions considered to be hazardous. All project activities will adhere to Part II (a&b) of the Employment and Labor Relations Act (2004) which prohibit child labor and forced labor. This Employment and Labor Relations Act (2004) is in line with the ILO conventions on prohibition of child and forced labor (ILO Convention 105; 138; and 182) as well as the World Bank ESS2.

The contractors including third parties will be required in the contract to commit against the use of child and forced labor. Furthermore, the officer in charge of sub-project supervision will monitor and report the contractors' compliance of Part II (a&b) of the Employment and Labor Relations Act (2004); the ILO conventions on prohibition of child and forced labor (ILO Convention 105; 138; and 182) as well as the World Bank ESS2.

To prevent employing or engaging children under the age of 18, the following measures will be taken:

- Documentation and verification of age prior to the employment or engagement of a project worker and kept on file;
- Obtaining written confirmation from the applicant of their age; and
- Where there is any reasonable doubt as to the age of the applicant, requesting and reviewing available documents to verify age (such as a birth certificate, national identification card, medical or school record, or other document or community verification demonstrating age).

**(b) Likely incidences of Accidents and Emergencies:**

The Project will ensure all measures are in place avoid incidences of accidents and emergencies; however, if any occurs all measures will be undertaken as well as ensuring all stakeholders that include OSHA are informed and engaged. The project PIT in close collaboration with the Consultant and the PIT will ensure that the WB is informed of the scenario as per the agreed protocol. Further elaborations are provided in table 2 below.

**General OHS Requirements**

Measures relating to occupational health and safety will be applied to the project. The OHS measures will include the requirements will take into account the General EHSGs and, as appropriate, the industry-specific EHSG. The OHS measures applying to the project will be set out in the legal agreement and the ESCP. The OHS measures will be designed and implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life threatening; (b) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness and response arrangements to emergency situations; and (f) remedies for adverse impacts such as occupational injuries, deaths,

disability and disease. If a child under the minimum age of 18 years is discovered working on any DMDP -2 sub-project, the employment or engagement of the child will be terminated in a responsible manner, taking into account the best interest of the child.

All the identified potential risks will be assessed by undertaking site specific risk and hazard assessments as part of the Environmental and Social Impact Assessments. Mitigation measures for the identified risks will be prepared as per ESS2 and incorporated into the project's ESMP. Table 1 below presents possible mitigation measures for the DMDP -2 Project's potential risks:

**Table 1: Potential Labor Risks and Mitigation Measures**

<b>Description of the risk/impact as identified in ESS2</b>	<b>Proposed risk mitigation measures</b>
Non-compliance of employers to terms and conditions of employment	<p>To ensure compliance with terms and conditions of employment as per requirements of the Tanzania Employment and Labor Relations Act (2004); WB ESS2; and ILO Labor Relations Convention 151 (1978), project implementers (PO-RALG through TARURA) will ensure the following in relation to direct workers, as well as workers' engaged through contractors/subcontractors and primary suppliers:</p> <ul style="list-style-type: none"> <li>• Provide project workers with information and documentation that is clear and understandable regarding their terms and conditions of employment; for illiterate workers simplified language will be used and the officer in-charge will read the terms and conditions to them and request them to specify if they require further clarification. This will be repeated at least twice to ensure clarity.</li> <li>• The information and documentation shall set out workers' rights under the Tanzania Employment and Labor Relation Act (2004);</li> <li>• The information and documentation shall include any applicable collective agreements, including their rights related to hours of work, wages; overtime, compensation and benefits, as well as those arising from the requirements of ESS2;</li> <li>• This information and documentation shall be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur;</li> <li>• The project shall also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances and concerns</li> </ul>
Labor influx related risks (including spread of diseases)	<ul style="list-style-type: none"> <li>• Communication on risks of infection with HIV/AIDS and COVID- 19 shall be conducted through locally appropriate means</li> </ul>

among workers and the nearby communities, including HIV/AIDS and COVID-19 through project activities)	<p>– targeting workers, learners and communities <u>at least</u> once during recruitment and thereafter once every month for staff and quarterly for communities to be conducted by OHS staff of the contractor under supervision of the PIT;</p> <ul style="list-style-type: none"> <li>• PIT will ensure that implementation of Code of Conduct (CoC) to be signed by project workers and enforced by all contractors;</li> <li>• Workers will be required to use appropriate PPEs (such as gloves and masks) which will need to be disposed in line with the provisions of COVID-19 prevention guidelines by the Ministry of Health, Community Development, Gender, Elderly and Children and WHO; the DMDP-2 PIT as well as respective LGAs will be responsible for day to day monitoring of implementation of the COVID-19 prevention measures.</li> </ul>
Occupational Health and Safety	<p>PIT will ensure each of the following:</p> <ul style="list-style-type: none"> <li>• the contractor shall provide the workers with the required PPEs and enforce use at all times while at the work site;</li> <li>• The equipment used in the works should be routinely serviced to ensure proper and safe equipment functionality;</li> <li>• Carry out job risk assessment (analysis of hazard likely to exist and precautions required) before executing the assignment;</li> <li>• Use of safety signage “MEN/WOMEN AT WORK” to warn the public and the contractor workers on site;</li> <li>• Provision of adequate signage and communication of risks to workers, contractor's staff and the community;</li> <li>• Hazardous areas must be clearly marked with signs easily understood by workers, visitors and the general public, as appropriate and barricaded;</li> <li>• Electrical works must be performed by trained and qualified experts;</li> <li>• Ensure that electrical equipment is properly connected before switching on sockets;</li> <li>• Use of competent drivers with defensive driving techniques;</li> <li>• Only road worthy vehicles and trucks shall be used in transportation of materials to avoid frequent breakdowns and</li> </ul>

	<p>risks of road accidents;</p> <ul style="list-style-type: none"> <li>• In case on any spillage at working areas, the contractor must clean the spillage immediately, post anti-slip hazard warning should be used when mopping floors to reduce chances of slip and falls;</li> <li>• All visitors shall be required to fill a visitors' form providing all personal details and purpose of the visit. A data file with information regarding visitor will be recorded and kept by project OHS personnel;</li> <li>• Implementation of CoC to be signed by project workers and enforced by all contractors that will include PPE as mandatory First aid kits, training on first aid and qualified first aiders on site</li> <li>• Developing and implementing emergency response plans (ERP)</li> <li>• Developing, adopting and sensitizing of standard operation procedures and guiding working at heights, lifting operations excavations etc</li> </ul>
Discrimination of employment on the basis of gender, disability or ethnicity	<p>PIT will ensure that:</p> <ul style="list-style-type: none"> <li>• Hiring of project workers shall be based on the principle of equal opportunity and fair treatment;</li> <li>• No discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices;</li> <li>• The CoC containing provisions on discrimination of to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation (see template in Annex 2 &amp;3);</li> <li>• Contractors shall provide appropriate sanitation facilities at the workplace and appropriate PPEs for women and persons with disability</li> </ul>
Risks of GBV incidences including SEA and SH	<p>PIT will ensure that:</p> <ul style="list-style-type: none"> <li>• Communities are sensitized on GBV/SEA &amp; SH and the referral pathways;</li> <li>• All project personnel should be sensitized on GBV/SEA &amp; SH;</li> </ul>

	<ul style="list-style-type: none"> <li>• The CoC containing provisions on GBV/ SEA &amp; SH to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation (see template in Annex 2 &amp;3&amp;5)</li> <li>• Disciplinary measures against offenders including job dismissal, taken to court and any other disciplinary measure that will comply to other legal procedures</li> </ul>
Likely incidences of Child labor or forced labor	<p>PIT will ensure:</p> <ul style="list-style-type: none"> <li>• Provision of employment to member of household from where a child come from to maintain the income brought in by the child (this refers to cases where child labor has been discovered);</li> <li>• All vacancy advertisements will clearly prescribe that child labor is not permitted and persons to be employed must meet the minimum age as prescribed in Employment and Labor Relations Act of 2004</li> <li>• Sensitize beneficiaries on negative impacts of child labor;</li> <li>• Certification of laborers' age and removal of under-age (using National Identification Card, Voters Registration Card, Birth Certificate or affidavit of birth in employment of workers);</li> <li>• Ensure compliance with the Employment and Labor Relations Act of 2004;</li> <li>• Ensure that contractors have implemented a Child Labor Policy to deter employment and abuse of children in the project.</li> </ul>

The health and safety risks to which the project workers may be exposed from each type of projects will be assessed and details provided in the ESIA as well as Site Specific ESMPs. The ability to prevent or eliminate such risks or, if the risk cannot be prevented or eliminated, measures to protect project workers from exposure will be explored will be provided as part of ESIA/ESMPs mitigation measures.

#### 4. Brief Overview of Labor Legislation: Terms and Conditions

In Tanzania the Employment and Labor Relations Act (2004) and Labor Institutions Act (subsidiary legislations) and accompanying regulations provide a legal framework for the safeguard of worker's management and rights. The most relevant subsidiary legislations include:

- The Employment and Labor Relations (Code of Good Practice) Rules, 2007, Government Gazette, Notice No. 42 of 2007;

- The Employment and Labor Relations (Forms) Rules, 2007, Government Gazette, Notice No 65 of 2007; and
- The Employment and Labor Relations (General) Regulations, 2017, Government Notice 47 of 2017

This Act regulate employment matters in terms of employment standards i.e. maximum hours of work, minimum acceptable pay within the construction industry, night work standards, right to break during working day, leave and fair terminations, prohibition of child labor, prohibition of forced labor, freedom of association, leave provisions – annual, sick and holidays, dispute resolution/ grievance management, contractual arrangements, terms and working conditions and prohibition of discriminations.

The Employment and Labor Relations Act covers the entire scope of the minimum terms as follows:

- Working hours: employee may work for nine (9) hours inclusive of a one (1) hour meal break per workday; forty-five (45) hours a week; and a maximum of six (6) days a week.
- Overtime hours: are to be paid at a rate of one and one half (1 ½) times the employee's wage for any hours worked over a standard workday (9 hours inclusive of a 1-hour meal break)/week (45 hours). Employees are prohibited from working more than fifty (50) hours of overtime over a four-week cycle. Overtime is not to exceed ten (10) hours a week.
- Total hours: Workers may work twelve hours in a day; however, this must not exceed the forty-five (45) hour limit of working hours a week. Tanzanian law limits work to twelve (12) working hours per day, inclusive of ordinary and overtime working hours. Employees are entitled receive pay for all public holidays. When employees are obligated to work on a public holiday, the worker is entitled to double their basic wage for each hour worked.
- Night work: are to be compensated at least five percent (5%) of their basic wage or overtime wage for each hour worked at night. However, some categories of workers are prohibited from night work including pregnant workers two months before delivery, mothers two months after delivery, children under the age of eighteen (18) and anyone medically certified as unfit for night work.
- Rest Periods: employees are entitled to a sixty (60) minute break over a five (5) hour period of consecutive work. Employers must allow workers to have a daily rest of up to twelve (12) hours between ending and commencing work; and a weekly rest of up to twenty-four (24) hours.
- Deductions: An employer is not authorized to make deductions from an employee's salary unless permissible by law, contractually agreed to, or court ordered.



- Leave: Annual leave (28 days inclusive of public holidays), sick leave (126 days in a 36-month cycle), maternity (84 days in a 36-month cycle), and paternity leave (3 days) and compassionate Leave (Family Responsibility Leave usually 4 days). However, other types of leave may be negotiated through collective bargaining and documented.
- Termination: Both parties to a contract have the right to terminate employment. The Employment Act requires that all forms of termination be documented in writing and adequate period of notice be given prior to terminating employment.

Furthermore, discrimination of employees in workplaces with respect to colour, nationality, place of origin, race, social origin, gender, pregnancy, disability, HIV/AIDS, age, marital status, political opinion and religion. Section 7(5) of the Employment and Labor Relations Act of 2004 consider harassment of employee as a form of discrimination and shall be prohibited on anyone. Furthermore, Tanzania ratified the ILO Convention No. 111 on Discrimination (Employment and Occupation). Article 1 (a) and (b) of Convention No. 111 on Discrimination (Employment and Occupation) Convention, 1958 defines as any distinction, exclusion, or preference with respect to recruitment, hiring, termination of employment, working conditions, or terms of employment made based on personal characteristics rather than genuine occupational qualifications that are necessary to perform the work.

The legislation requirements presented in the Tanzania Employment and Labor Relations Act (2004) conform to guidance provided in WB Environmental and Social Framework (ESF) and Environmental and Social Standard 2 (ESS 2).

## 5. **Brief Overview of Labor Legislation: Occupational Health and Safety**

This section sets out the *key aspects* of the national labor legislation with regards to occupational health and safety and how national legislation applies to the different categories of workers identified in *Section 1*. The overview focuses on legislation which relates to the items set out in ESS2 paragraphs 24 to 30.

The Occupational Health and Safety Act No. 5 of 2003 has relevant clauses that support ESS2. Part IV and VI of the Act makes a provision for Safety enforcements at workplace whereby Part V, Part VII and Part VII provides Health and welfare baselines for persons at work with fundamental responsibility is entrusted to occupier under Section 95 of the Act. Furthermore, the Act describes procedures for the protection of persons other than workers against risks arising out of or in the course of operations at the workplace.

Specific, relevant and direct legislation on occupational safety and health is found under the Occupational Health and Safety Act (OSH Act) of 2003. The Act is aimed at protecting against hazards to health and safety arising out of, or in connection to, work related activities.

The Tanzanian OSH Act of 2003 sets standards that must be observed by employers to ensure that a workplace is safe and secure. Where no standards exist to deal with a particular issue,

employers are bound by OSH Act's General Duty Clause which requires employers to provide a place of employment that is free from recognized hazards known to or are likely to cause harm, death or serious physical injury to its employees.

### **Consideration of COVID-19 during implementation of Dar es Salaam Metropolitan Development project phase 2 Project:**

To minimize or no cases of transmission of COVID-19, project will ensure that all DMDP-2 sub-project activities regarding workers and the communities are performed in accordance with existing Tanzania's COVID-19 prevention guidelines; World Bank ESF; World Bank Group Environmental Health and Safety Guidelines; ESS2 and ESS4; WHO COVID-19 prevention guidelines.

The degree to which these guidelines are up-to-date and capture good international industry practice (GIIP) should be detailed.

Protection against possible risks as provided for in the Public Health Act (2009) and in view of COVID-19 related risk will be managed through:

- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport materials from suppliers under Dar es Salaam Metropolitan Development Project phase two.
- Ensuring that workers or suppliers participate in the application of Infection prevention and control (IPC) safety and health measures/guidelines as advised by Ministry of Health, Community Development, Gender, Children and People with Disabilities including availability of hand wash facilities, water and soap, alcohol-based hand sanitizer and masks;
- Train all staff on the signs and symptoms of COVID-19, how it spreads, how to protect themselves (respiratory hygiene, cough etiquette and hand hygiene) and the need to be tested if they have symptoms;
- Provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every worker or supplier;
- All workers and visitors accessing work sites every day or attending meetings shall be subjected to rapid Covid-19 screening which may include temperature check and/or other vital signs;
- Any worker showing symptoms of respiratory illness (fever, cold or cough) and has potentially been exposed to COVID-19 should be immediately removed from work and tested for the virus at the nearest local hospital;
- Project management must identify the closest hospital that has testing facilities in place, to refer workers/staff;
- Persons under investigation for COVID-19 should not return to work at the project site until cleared by test results. During this time, they should continue to be paid their wages;
- If project workers live at home, any worker with a family member who has a confirmed or suspected case of COVID-19 should be quarantined from the project site for 14 days, and continued to be paid wages, even if they have no symptoms;

- Use existing grievance procedures to encourage reporting of co-workers if they show outward symptoms, such as ongoing and severe coughing with fever, and do not voluntarily submit to testing;
- Mandatory provision and use of appropriate PPEs shall be required for all project personnel including workers and visitors;
- Avoid concentration of more than 15 workers at one location. Where there is a gathering of more than one person, maintain social distancing of at least 2 meters;
- Restriction on the number of people accessing the work areas; Fumigation of offices, work areas and project vehicles delivering food to the schools;
- Train cleaning staff in effective use of PPE, cleaning arrangement and procedures and disposal of waste generated from project activities; and
- The project will also adhere to any other Government of Tanzania guidelines on COVID-19 as well as World Bank guidelines.

Other international conventions, and directives for addressing health and safety issues relevant to COVID-19 are applicable, including:

- [ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#)
- [ILO Occupational Health Services Convention, 1985 \(No. 161\)](#)
- [ILO Safety and Health in Construction Convention, 1988 \(No. 167\)](#)
- [WHO International Health Regulations, 2005](#)
- [WHO Emergency Response Framework, 2017](#)
- [EU OSH Framework Directive \(Directive 89/391\)](#)

To ensure that the working environment does not impose imminent health or safety welfare risks, the Dar es Salaam Metropolitan Development Project phase two shall ensure that appropriate mechanisms are put in place such as consideration of health and safety during sub-project designs; Involvement of entities entitled to enforce OHS programs including OSHA; monthly health and safety training to workers throughout the implementation phase; use of appropriate and adequate safety warning signage; Emphasis on reporting, investigation and documentation of near misses and accidents Investigation outcomes will be used to implement preventive and protective measures to all projects activities. All DMDP-2 Project workers (whether direct/contract or migrant) will be provided with information that is clear and understandable concerning their works in order to avoid risks of exposure to danger or injurious working environment. Investigation outcomes will be used to implement preventive and protective measures to all project activities.

## **6. Responsible Staff**

The TARURA WBCU will work as the PCT for Dar es Salaam Metropolitan Development Project phase two and a joint PIT will be established by implementing LGAs within the project area. Therefore, the PCT at WBCU level will be responsible for overall management and

coordination of the Project, including the compliance with safeguards requirements including on labor and working condition.

The PITs will supervise implementation of the LMP as well as oversee contractor's compliance monthly or at shorter intervals as defined by specific plans. As part of procurement for works as well as during contractors' induction, the PITs will address all LMP aspects. The contractors will be contractually obliged to comply with all terms and conditions in this LMP on labor and employment issues.

The details of management of project workers, responsible staff and oversight mechanisms of the Dar es Salaam Metropolitan Development Project phase 2 is presented in Table 2 below.

**Table 2: Responsible staff/Institution and their roles in the Dar es Salaam Metropolitan Development Project phase two**

S/N	Institution	Roles
1	E&S Staff of the PCT	<ul style="list-style-type: none"> <li>• Coordinate training on labor and working conditions to E&amp;S Staff of the PITs</li> <li>• Provision of training to Supervision Consultants and Contractors on labor and working conditions issues such that they are able to undertake supervision activities in line with ESS2 and national legislation. These experts will also be responsible for ensuring that appropriate due diligence in relation to labor and working conditions is undertaken when contracting consultants and facilitators.</li> <li>• Ensure that the necessary OHS authorizations and permits are obtained;</li> <li>• Determine the scope of physical work i.e. identify the magnitude, sensitivity and risk category of the sub-projects in terms of the OHS</li> <li>• Monitor implementation of the approved Health and Safety Management Plans (HSMPs) and site-specific HSMPs;</li> <li>• monitor inclusion of site specific HSMPs in the bidding documents and contracts;</li> <li>• Review progress reports submitted by the PIT and conduct inspection of the sites;</li> <li>• Send progress reports every 3 months to the World Bank.</li> <li>• Addressing Workers Grievances that have been filed to the office</li> </ul>
2	E&S Staff of the PITs	<ul style="list-style-type: none"> <li>• Ensure that the necessary OHS authorizations and permits are in place;</li> <li>• Determine the scope of physical work i.e. identify the magnitude, sensitivity and risk category of the sub-projects in terms of the OHS</li> <li>• Review and approve Health and Safety Management Plans (HSMPs) where needed and site-specific HSMPs based on alignment walk;</li> </ul>

S/N	Institution	Roles
		<ul style="list-style-type: none"> <li>• Include the requirements and mitigation measures from HSMPs and site specific HSMPs in the bidding documents and contractor contracts;</li> <li>• Ensure that contractors have a qualified and experienced Environmental Health and Safety (EHS) Officer;</li> <li>• Review progress reports by the supervision engineer/consultant during civil works and conduct inspection of the sites;</li> <li>• Send progress reports monthly to the PCT.</li> <li>• Addressing Workers Grievances that have been filed to the office</li> </ul>
3	Supervision Engineer/Consultant	<ul style="list-style-type: none"> <li>• Enforce contractual agreement on behalf of the project implementation agencies in areas of – HIV/AIDS mitigation measures, compliance with local legal and regulatory requirements, compliance with the ESMP and contractor Environmental Health and Safety Management Plan (C-EHSMP)</li> <li>• Assist the PIT to ensure that the necessary environmental, health and safety authorizations and permits have been obtained;</li> <li>• Maintain open and direct lines of communication between the PITs and contractor(s) with regard to environmental health and safety matters;</li> <li>• Review and approve the contractor's site-specific construction ESMPs (CESMP), Health and Safety, Labor Management Plans and Traffic Management Plans together with the PITs;</li> <li>• Monitoring of the implementation, functioning and effectiveness of worker's grievance resolution mechanism in place by the sub-project contractors under them;</li> <li>• Review, approve and ensure implementation of contractor Hiring Procedures and Child Labor Policy;</li> <li>• Monitor and advice on the implementation and enforcement of Code of Conducts of the sub-project contractors;</li> <li>• In case of any accidents or incidents, immediately notify the PIT and support the process of documenting and reporting the case to the WB;</li> <li>• Prepare written reports for the PIT such as weekly reports of non-compliance issues; summary monthly report covering key issues and findings from supervision activities; and consolidated summary report from contractor's monthly report.</li> <li>• Addressing Workers Grievances that have been filed to the office</li> <li>• Provide Training on the functioning of the Grievance Redress Mechanism</li> </ul>

S/N	Institution	Roles
4	Contractor	<ul style="list-style-type: none"> <li>• Compliance with relevant environmental and social legislative, occupational health and safety and labor requirements (project-specific, district- and national level), including allocating adequate budget for implementation of these requirements;</li> <li>• Work within the scope of contractual requirements and other tender conditions;</li> <li>• Prepare CESMPs based on the site specific ESMP; Health and Safety Plans; Labor Management Plans; and Traffic Management Plans in the bidding documents and contracts;</li> <li>• Train workers about EHS (including relevant WBG EHS Guidelines) and the site-specific environmental and social measures to be followed;</li> <li>• The EHS officer of the contractor will participate in the joint site inspections with the PIT and Environmental Supervision Engineer/consultant;</li> <li>• Carry out any corrective actions instructed by the Supervision Engineer/consultant;</li> <li>• Provide Training on Grievances</li> <li>• Addressing Workers Grievances that have been filed to the office</li> <li>• Provide and update information to the Supervision Engineer/consultant regarding works activities including off-site activities/facilities such as borrow pits, quarries, disposal sites, which may contribute, or be continuing to the generation of adverse environmental impacts;</li> <li>• In case of non-compliances/discrepancies, carry out investigation and submit proposals on mitigation measures, and implement remedial measures to reduce environmental impact;</li> <li>• Stop civil works which generate adverse impacts to the workers upon receiving instructions from the Supervision Engineer/consultant and/or PIT;</li> <li>• Propose and carry out corrective actions in order to minimize environmental impacts;</li> <li>• Send immediate reports to the Client (PIT) in case of any accidents or incidents involving project site, project workers or otherwise occurring within the project area of influence;</li> <li>• Contractors will be required to operate a worker grievance redress mechanism which responds to the minimum requirements in this LMP (please see Section 10).</li> <li>• Send weekly reports of non-compliance to the Supervision</li> </ul>

S/N	Institution	Roles
		<p>Engineer/consultant.</p> <ul style="list-style-type: none"> <li>• Send monthly progress reports to the Supervision Engineer/consultant.</li> </ul>
5	OSHA	<ul style="list-style-type: none"> <li>• Provide annual/biannual training workshops on health and safety requirements for Contractors and Supervision Engineers/Consultants.</li> <li>• Report within 24 hours of occurrence of any accident or near miss which can cause fatal or permanent disability.</li> <li>• Monitoring of Project implementation on safety issues and provide technical assistance</li> </ul>
6	NEMC	<ul style="list-style-type: none"> <li>• Provide annual training workshops on Environmental and Social requirements for Contractors and Supervision Engineers/Consultants.</li> <li>• Monitoring of Project implementation on safety issues and provide technical assistance</li> </ul>
7	Gender Desk-Tanzania Police Force Ministry of Gender Labor Officers	<ul style="list-style-type: none"> <li>• Provide guidance and handling GBV/SEA/SH cases</li> <li>• Monitoring GBV/SEA/SH cases at the project and community at large</li> <li>• Work with NGOs in providing training to contractors, Laborers and community on GBV/SEA/SH</li> </ul>

## 7. Policies and Procedures

A summary of indicative procedures to develop and implement the LMP, policies under Dar es Salaam Metropolitan Development Project is provided below:

### *(i) Occupational health and safety:*

Pursuant to the relevant provisions of the OSH Act No. 5 of 2003; Employment and Labor Relations Act of 2004, ESS2 (including WBG EHSGs), and WB standard procurement documents, the PIT will manage the project in such a way that project workers are properly protected against possible OHS risks. The contractors will also be required to produce policies and procedures in line with these provisions. Key elements of OHS measures include: (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (d) remedies for occupational injuries and fatalities. The Hierarchy of Controls of Elimination, Substitution, Engineering controls, administrative controls and PPE will also be applied.

**(ii) *Child labor or Forced labor:***

The minimum age of project workers for the project is set at 18 years and above. To prevent engagement of under-aged labor or any form of forced labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for noncompliance in-line with the relevant laws. The PIT is required to maintain labor registry of all contracted workers with age verification. More details are provided in Section 11.

**(iii) *Labor disputes over terms and conditions of employment:***

To avoid labor disputes, fair terms and conditions will be applied for project workers (guided by relevant laws). The project will also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances (more details are provided in Section (10). Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the Employment and Labor Relations Act of 2004 and ESS2.

**(iv) *Discrimination and exclusion of vulnerable groups:***

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the Employment and Labor Relations Act of 2004 on gender equality in the workplace, which will include provision of maternity and sick leave. There will also be sufficient and suitable toilet and washing facilities, separate from men and women workers (especially in participating schools and supported office facilities). The contracts with third parties will include these requirements, which will also be part of the monitoring system.

**(v) *GBV including all forms of sexual harassment:***

Given the implementation context, sexual harassment, exploitation and abuse of co-workers and learners is a likely risk. Thus, all staff and contracted workers will sign the CoC outlining expected standards of behaviour in this regard and attend an awareness session on the same which will address the consequences of such actions. The PCT will identify a qualified trainer/consultant to offer training on GBV. Special provisions will be made in the grievance redress mechanism (GRM) to address GBV complaints as described below.

**Addressing GBV/SEA cases**

A GBV Action Plan will be developed to accompany the implementation of Dar es Salaam Metropolitan Development Project. The Plan will be based on existing protection, prevention and mitigation strategies and measures developed by the WB and coordinated through the PCT of DMDDP2 Project and PIT as well as respective LGAs at the implementation level. The implementation of this Plan will be supported by experienced service provider for GBV/SEA which will include a hotline for reporting cases of GBV/SEA and child abuse and officials from the Gender Desk under the Tanzania Police Force

To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GRM will have a survivor-centred approach to GBV-related cases. Where such a case is reported, the complainant will be provided with information about the available services



including referral to the GBV Service Provider; confidential appropriate medical and psychological support; emergency accommodation; and any other necessary services as appropriate including legal assistance. Staff contacted by a survivor will immediately inform the GBV Service Provider or refer him/her to a health centre which specializes in free post-GBV health support (within 72 hours of the incident). All staff and GRM focal points will be informed that if a case of GBV is reported to them, the only information they will establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision.

***(vi) Monitoring and reporting:***

The PITs shall report on the status of implementation of the above policies and procedures on a monthly basis. The PITs will closely monitor day to day labor and OHS performance of the project and report to the World Bank on a quarterly basis (see Section 10 for more details).

***(vii) Fatality and serious incidents:***

In the event of an occupational fatality or serious injury, the PITs shall report to the World Bank as soon as it becomes aware of such incidents and inform the MoE in accordance with national reporting requirements. Corrective actions shall be implemented in a timely manner in response to project-related incidents or accidents. The Dar es Salaam Metropolitan Development Project PIT or, where relevant a consultant, may conduct a root cause analysis for designing and implementing further corrective actions, refer annex 7 and 8 for further details.

***(viii) COVID-19:***

The contractor will provide an environment that is protective of COVID-19 including social distancing; accessible wash areas with water, soap and sanitizers; and emergency communication lines for any worker who needs to report a COVID-19 related issue. The contractor may assign a team member to be the COVID-19 focal point, who will be responsible for ensuring that the measures are implemented. In case of a COVID-19 infection at a workplace, the PIT will need to be informed immediately and all take other prevention immediately to contain the spread of the virus. All workers will be provided with appropriate care and support if exposed to the virus at the workplace.

## **8. Age of Employment**

As stipulated in Tanzania Employment and Labor Relations Act (2004) the minimum age of employment is 18 years, which is also stipulated in the International Labor Organization Conventions (138) on minimum age. These two legislations prohibit the employment of underage children.

The implementing agencies' standard for minimum age of employment/work is 18 years, and it will be among the terms of contracts regarding child labor. The project will target participation of both men and women between the age of 18 and 65.

During the project implementation various tools will be used to verify age of workers. Such tools include Birth certificates, Voters Registration Card and National Identity Cards which will be filled in each employee's records. In the circumstances where these documents are not available the Affidavit of Birth will be used. The consequence of breaching implementing agencies' standard on child labor may result into termination of the contract.

In case it is found that underage children are working during the implementation of the project, the following procedures will be applied:

- routine document check process without raising the alarm.
- Review age documents of the child and verify that they are genuine.
- If document checks confirm the child is underage, remove the child from all work immediately.
- If the documentary evidence is inconclusive, checking the age of the child may entail Communication or meeting with parents and guardians of children, contacting local labor authorities to validate identification, and conduct medical checkups to assess age.
- Obtain contact details (ideally mobile phone number) of child and parents/guardian, and wherever possible, home address.
- Talk to the child to ensure they understand what is happening and why, as well as risks and hazards of child labor;
- Meet with the contractor and site supervisor/consultant to communicate the policies and basic positions regarding child labor;
- Contact the parents/guardians to ensure that they understand and agree with what is happening and to explain the risks and hazards of child labor;
- Review all the personnel records at the workplace to identify whether there are any other child workers; and
- Give advice to the contractor and supervision engineer/consultant on improving age verification systems to ensure that no new child worker is hired.

## **9. Terms and Conditions**

Tanzania Employment and Labor Relations Act (2004) broadly addresses issues including the minimum, statutory requirement of any employment arrangement as presented in Labor Relations (Code of Good Practice) Rules, 2007; Employment and Labor Relations (Forms) Rules, 2007; and Employment and Labor Relations (General) Regulations, 2017. Where the national laws differ from ESS 2 and ESS4 provisions and provide lower levels of protection to the workers, ESS2 and ESS4 shall take precedence.

For this project, the provisions in Table 3 will inform management of all workers as well as (Annex 5&6).

**Table 3: Dar es Salaam Metropolitan Development Project Phase Two Project's Labor Conditions**

<b>Category</b>	<b>Conditions</b>
Direct workers	<ul style="list-style-type: none"> <li>• The terms and conditions for direct workers in Dar es Salaam Metropolitan Development Project Phase Two PCT and PIT, the consultants and workers at the project supported facilities shall be governed by National Labor Laws and provisions of ESS2 and ESS4.;</li> <li>• Workers are on short-term employment will not be entitled to maternity or annual leave;</li> <li>• Their terms and conditions will be based on a specific assignment to be completed within a specified period at a daily pay rate;</li> <li>• These terms and conditions shall be discussed at recruitment</li> </ul>
Contracted workers	<ul style="list-style-type: none"> <li>• The Employment and Labor Relations Act (2004) and associated Employment and Labor Relations regulations are the guiding legislations on employment terms and conditions for contracted workers</li> <li>• The PCT shall therefore follow the provisions related to labor engagements and management</li> </ul>
Minimum wages	<ul style="list-style-type: none"> <li>• The official minimum wage shall be governed by the provisions of Remuneration in Part III (c) of the Employment and Labor Relations Act (2004);</li> <li>• All efforts shall be made to ensure that contractors do not underpay and overwork their workers, more so temporary (casual) workers;</li> </ul>
Hours of work	<ul style="list-style-type: none"> <li>• The normal hours of work of a project worker shall not exceed 8 hours a day</li> <li>• Hours worked in excess of the normal hours shall be entitled to relevant allowances</li> </ul>
Rest per week	<ul style="list-style-type: none"> <li>• Every worker shall be entitled to rest on Saturday and Sunday;</li> <li>• Workers shall also be entitled to rest on public holidays recognized as such by the Government of Tanzania</li> </ul>
Annual leave	<ul style="list-style-type: none"> <li>• Workers (apart from consultants and temporary workers) shall be entitled to 30 days' leave with pay for every year of continuous service;</li> <li>• An entitlement to leave with pay shall normally be acquired after a full year of continuous service.</li> </ul>
Maternity and Paternity leaves	<ul style="list-style-type: none"> <li>• A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 90-days maternity leave while male workers shall be entitled for paternity leave of 3 days with pay</li> </ul>
Deductions from remuneration	<ul style="list-style-type: none"> <li>• No deductions other than those prescribed in labor laws shall be made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing;</li> <li>• The employer shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment</li> </ul>
Death benefit	In case of death of a worker during his/her contract of employment, the employer shall pay to his/her remuneration as death benefits in line with the provisions of the relevant laws
Medical treatment of	<ul style="list-style-type: none"> <li>• Contract workers shall on a minimum be expected to be enrolled on NHIF</li> </ul>

injured and sick workers	by the contractors; • All other workers will continue to benefit from medical insurance as arranged by their employers
COVID 19 Consideration	• Various mitigation measures will be put in place to ensure consideration; these include use of legislation enacted in response to the health and safety issues posed by COVID-19, additional mitigation measures to protect workers

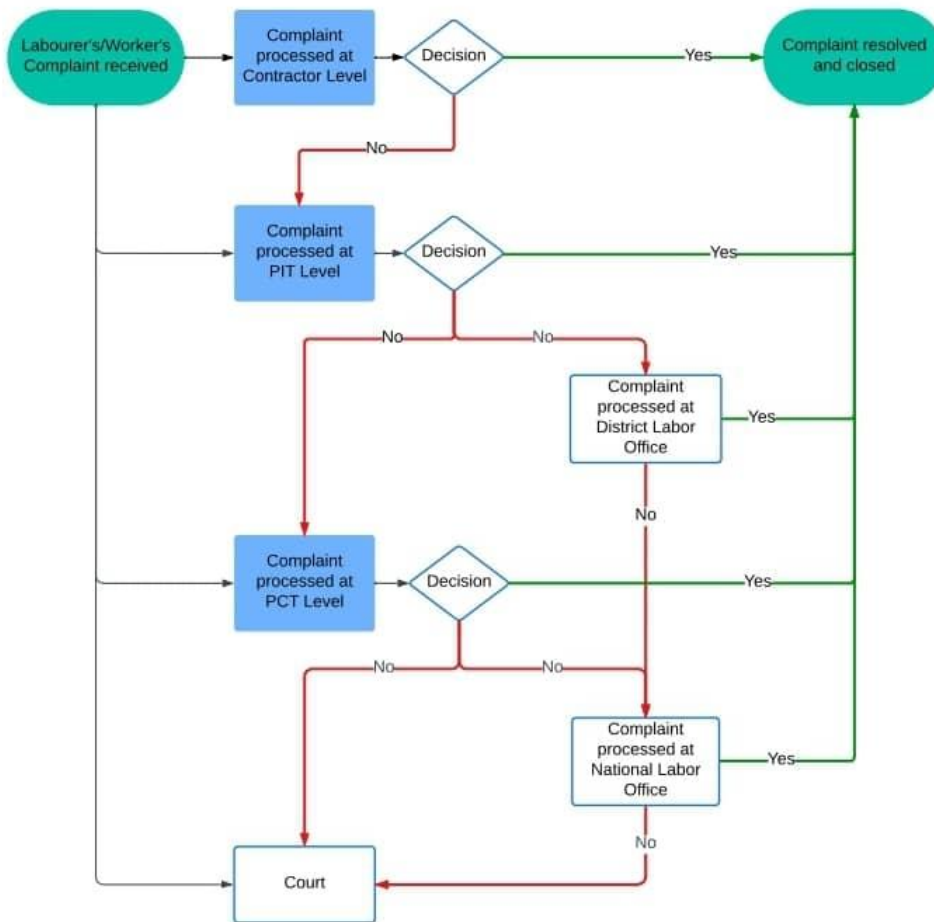
## 10. Workers' Grievance Redress Mechanism

In line with the provisions of ESS2, a grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers.

**Workers' Grievance** redress mechanism (GRM) involves a formal process for receiving, evaluating and addressing workers' project-related grievances and concerns, including workplace sexual harassment. Typical workplace grievances include demand for employment opportunities; labor wage rates; delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. To raise workplace concerns, a grievance structure will be established for project workers (direct workers and contracted), as required in ESS2. The GRM for workers will be provided separately from the overall project grievance mechanism provided under ESS10 which is discussed in the SEP. This GRM should address workplace concerns specifying procedures as to whom a project worker should lodge their grievances, the time frame for receiving a response or feedback and steps to refer to a more senior level, while allowing for transparency, confidentiality and non-retribution practices.. Since all types of workers under this project (i.e. Direct as well as Contracted Workers) are identified as Stakeholders; employers will be required to produce their GRM procedure as a prerequisite for tender which at a minimum conform to these requirements. The GRM procedures have to be transparent. After they are engaged, employers will be required to prove that each employee has been inducted and signed that they have been inducted on the procedure.

The chat below summarizes the Grievance Redress Mechanism for Laborers

## Flow chart: Grievance Reporting for Workers



The GRM should foresee the procedure that at least:

- Specifies to whom the employee should lodge the grievance;
- Refers to the time frame allowed for the grievance to be dealt with;
- Allows the employee to refer to a more senior level within the organization if the grievance is not resolved at the lower level;
- Includes right to representation;
- Guarantees non-retribution practice;
- Does not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration/dispute resolution procedures, if the grievance is not resolved within the organization;
- Provides for anonymous complaints to be raised and addressed.

Workers' grievance procedures shall be tailored to meet the needs of the Dar es Salaam Metropolitan Development Project Phase culture and workforce composition. The GM will be

accessible to all employees through various means (written, telephone, social media etc). The workers grievance mechanism will be described in staff induction training, which will be provided to all project workers, and a description added to Worker's CoC. The contractor will be required to prove that each employee has been inducted and signed that they have been inducted on the GRM procedure. Grievance logbook will be maintained in DMDP Project's office.

Essentially, the GRM will be at the project's PIT and at the Contractor as well as the Consultant. Any third party employing and engaging contracted workers will be required to design and implement grievance mechanisms that will be aligned or surpass this standard ensuring an easy access to protective measures and effective remedial actions in work situations that may give rise to grievances and disputes. Prior of beginning civil works, contractors as well as sub-contractors will be required to prepare and submit a detailed description of the workers' grievance mechanism as a pre-requisite for tender documents.

**a) *Direct workers' GRM structure:*** Direct workers will mainly be government employees in the project's PCT as well as PITs. The project will utilize the current grievance system that has been established at the PCTs and PITs for direct workers and workers will select a representative to form the GRC. The GRM structure for direct workers will have two levels which are:

*First level:* Project's PITs depending on nature of the issue raised will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on un-accounted working hours and lack of compensation for overtime, delay in/non-payment of salaries. If the issue cannot be resolved at first level within 7 working days, then it will be escalated to the next level. The GRC of the PIT will comprise of representative from the Human Resource Unit within the LGA and a representative to be appointed by workers as well as the Municipal/City Directors Office and the Office of the District Commissioner.

*Second level:* Project's PCT is the second level GRM for direct workers if there is a situation in which there is no response from the PIT or if the response is not satisfactory then complainants and feedback providers have the option to appeal directly to the PCT to follow up on the issue. The complaints should be considered and feedback provided within next 7 working days. The GRC of the PCT will comprise of the Human Resource Official, The Project Coordinator and the PCT will engage the Ministry of Labour Official if the issue is labour based or any other relevant Ministry depending on the type of Grievance.

**b) *Contracted workers' GRM structure:***

*Contractor's level:* Contractors shall develop their own GRM and required to resolve the grievances of contracted workers in accordance with requirements in this LMP as well as the ESS2. Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If the issue cannot be resolved at contractor's level within 7 working days, then it will be escalated to the Dar es Salaam Metropolitan Development Project sub-project Council level.

*Project's PIT level:* Safeguard specialist of sub-project's PIT will serve as Grievance Focal Point (GFP) to file the grievances and appeals of the project workers. He/She will be responsible to coordinate with relevant departments/organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PIT level within 7 working days, then it will be escalated to the Agency level.

*Project's PCT level:* If there is a situation in which there is no response from the project PIU, or if the response is not satisfactory then complainants and feedback providers have the option to contact the Focal Person in project's PCT directly to follow up on the issue.

NB: The Workers' grievance mechanism will not prevent workers from using the dispute procedures provided in part VIII of the Employment and Labor Relations Act of 2004.

If the dispute is not resolved at the workplace, other resolutions mechanisms provided for in the labor legislations as well as World Bank Grievance Redress System can be utilized. The proposed DMDP2 GRM flow chart is clearly presented in the Project's SEP document.

Annex 9 provides format for grievance report writing and Annexes 10 and 11 provides formats for logging grievances.

***c) World Bank Grievance Redress System***

Project workers may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address the project's labor related issues. Project workers may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projectsoperations/products-and-services/grievance-redressservice>.

For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org)

***d) Gender-based Violence including Sexual Exploitation, Abuse and Workplace Sexual Harassment***

PIU through the WBCU will identify institutions and service providers (mapping of gender and children service providers) who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referencing any potential survivors these include the Police Force, the Labor Ministry and officials from the Ministry of Gender. Grievances related to gender-based violence will be reported through the project/contractor safeguard specialist, the nature of the complaint will be

recorded along with the age of the complainant and relation to the project/sub-project will be recorded but the issue will be referenced to relevant institutions.

In addition, the ESIA may identify additional mitigation measures related to gender and such measures will be reflected in site specific ESMPs, including the contractors ESMP or contractors specific Labor Management Plans, where required. This will include engagement with communities on gender related risks, grievance and response measures available, as identified in the manual.

## **11. Contractor Management**

PIT will ensure that the contractor execute the management of the contract in a manner that is acceptable to the client (i.e TARURA) the National legal requirements and is in accordance to the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labor issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project.

To ensure sound and time-bound project implementation, the project will employ direct workers, contracted workers and short-term consultants through contracts. All employees will be recruited in accordance with the procurement procedures provided in the DMDP2 Project 's Procurement Manual.

However, employment through contracts calls for sound contractor management which shall be realized through proper agreement signing; agreement on key performance indicators and ensuring that worker related aspects of the project are embedded in contracts. Effort shall be made to ensure that all sub-project contractors as per guidance in ESS2, provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporary contract.

The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to PO-RALG, and the World Bank:

**a) Labor conditions:** records of workers engaged under the project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;

**b) Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth;

**c) Workers personal records:** number of workers, indication of origin (expatriate, local, non-local nationals), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management);



**d) Workers Payroll Records:** documentation of the number of hours worked and pay received inclusive of all payments made on their behalf, for example payment made to the National Insurance Scheme and other entitlements regardless of the workers being engaged on a short- or long-term assignment or fulltime or part time worker;

**e) Training/induction:** dates, number of trainees, and topics.

**f) Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project;

**g) Worker grievances:** details including occurrence date, type of grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken- Grievances listed should include those resolved since the preceding report and those that were unresolved at the time of that report.

The Supervision Consultant for sub-projects will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors.

In addition, the implementing Ministry (PO-RALG) will require that all contractors engaged on the project operate in a manner consistent with the requirements of the ESSs, including the specific requirements set out in the ESCP. To ensure that contractors engaged are managed in an effective manner, the following measures will be considered:

- a) Assessing the environmental and social risks and impacts associated with such contracts.
- b) Ascertaining that contractors engaged in connection with the project are legitimate and reliable enterprises and have knowledge and skills to perform their project tasks in accordance with their contractual commitments.
- c) Incorporating all relevant aspects of the ESCP into tender documents.
- d) Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools and including appropriate and effective non-compliance remedies.
- e) Monitoring contractor compliance with their contractual commitments; and
- f) In the case of subcontracting, requiring contractors to have equivalent arrangements with their subcontractors

The Conditions of Contract for each Contractor shall include the right to terminate the Contract once the Contractor fail, within the reasonable time given, to comply with any Notice to correct related inter alia to compliance with the National Labor Laws, OHS Laws and Regulations and this LMP.

## 12. Primary Supply Workers

The extent to which the Project's procurement will rely on suppliers supplying goods and materials on an ongoing basis is currently not known; however, where a significant risk of child or forced labor or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers. This is to ensure compliance with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers).

Third parties i.e. Contractors will be required to ensure their Suppliers comply with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers); and to ensure that Employees of any Suppliers or subcontractors are adequately trained on the requirements covered in the law. This will be ensured by having the Primary suppliers sign a statement of compliance confirm that they adhere to the national requirements and ESS2 regarding labor and working conditions and these LMP as applicable.

The selection process of primary Suppliers will ensure that they are reputable companies with evidenced positive track record in social performance including zero tolerance for child and forced labor. They will further need to be able to prove and provide evidence of the procedures in place to assess and manage OHS related risks. The PIT reserves the rights to verify compliance with the requirements set by a combination of mechanisms including but not limited to self-assessments, surveys, site-visits or audits. Relevant Records must therefore be maintained relevant records to demonstrate compliance and if necessary, allow access to their own and their Suppliers' and subcontractors' premises for authorized representatives of the PIT and/or the supervision consultant.

In case the Primary Supplier fails to demonstrate conformance and compliance to the national law and this LMP in the area of child and forced labor and serious safety risks, the PIT will submit through the Contractor a Notice -to-correct the non-compliance with immediate effect. Should the Primary Supplier fail to comply within the time specified in the Notice or should the PIT assess that such remedy is not possible, the project's primary suppliers shall be shifted to those that can demonstrate compliant labor management and performance. Once the Project advances the provisions of the LMP covering management of labor and working condition risk of Primary Suppliers shall be expanded and updated and based on the findings of the assessment detailed procedures established and included in the revised document.

Selection of primary suppliers. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor and forced labor as well as OHS risks. The DMDP 2 five PITs will review and approve the purchase of primary supplies from the suppliers following such risk identification assessment. Where appropriate, the project will be required to include specific requirements on child labor, forced labor and work safety issues in all purchase orders and contracts with primary suppliers. The PITs will, as part of its monitoring, include indicators for assessing the functions of primary supply workers.

## ANNEXES

### ANNEX 1: Pre-Qualification Checklist for Contractors

Project-specific pre-qualification process reviews the contractor's experience on identical or very similar projects doing essentially the same tasks that are anticipated. This includes the contractor's present capabilities, such as:

- a) OHS management systems and program;
- b) Project specific OHS plan;
- c) Safety training provided to management and workers;
- d) Availability and qualifications of construction safety managers and staff;
- e) Training to be provided; and Inspection processes.

The general conditions of the contract define the overall OHS responsibilities and requirements for contractors. These provisions are contained in a separate Clause of the contract. In general, these OHS conditions require the contractor to be responsible for initiating, maintaining, and supervising all safety precautions and programs, while complying with all applicable laws and regulations. The details are contained in the table below.

Item	Description	Evidence
OHS work plans and schedule	Company health and safety policy and a project specific health and safety plan (HASP) addressing all applicable OHS requirements (Annex 7)	Policy document
	To the extent possible the plan should include risk assessments for each phase or task of the work	Risk assessment per phase of work
	Presence of a qualified safety officer at the project site responsible for implementing the HASP	CV of the Safety Officer
	Detailed schedule of work activities with their bid, with the duration of each work activity shown	Schedule of activities
	The proposed hours of operations and days per week the contractor is allowed to work on site is usually stipulated in the contract documents	Schedule of work on a weekly and monthly basis (depending on the duration of the project)
Employees	Curriculum Vitae (CVs) of key personnel identified in the specifications	CVs
	Written documentation of completion of the contractor's and sub contractor's employees of the completion of all appropriate health and safety training before working on site	Safety training reports
	Hold regular safety meetings to instruct their employees on all project-related safety procedures	Meeting reports
	Provision of appropriate personal protective clothing and equipment to employees, provide training in its use and enforce the use of the protective clothing and equipment	Inspection reports
OHS incidents	Notify the client immediately following any OH&S	Incident log and reports

	incident, with a detailed written report and to comply with reporting and record keeping requirements Annex 8	
	The prime contractor flows- down the accident notification and reporting requirement to subcontractors, so that all incidents that occur during the course of the project are reported and investigated in a timely manner	
OH&S Pay Items	Pay rates for personnel to work in upgraded levels of personal protective equipment (such as respiratory protection)	Detailed pay break down for each category of staff
	Provision of a qualified full-time health and safety officer for the duration of the project	Deployment letter for the safety officer
	Establishment and proper functioning of an OH&S Committee (as appropriate)	Committee membership and ToRs
	Contractors and personnel attending any required OH&S Orientation training	Training report
	Costs for specific air monitoring, air sampling and analysis required to implement industrial hygiene or air quality monitoring, as may be required by the technical specifications	<ul style="list-style-type: none"> <li>✓ Breakdown of costs</li> <li>✓ Inspection reports</li> </ul>
Project Specific Hazards Information	Contractors should document implementation of their health and safety program and address requirements for personal protective equipment, chemical hazard communication, performing periodic health and safety inspections, emergency response procedures, tool and equipment inspections, fire protection, vehicle safety, and site security	<ul style="list-style-type: none"> <li>✓ Report on the safety program</li> <li>✓ Inspection and verification reports</li> </ul>
Licenses, Certifications and Training Documentation	Copies of all licenses, certifications, and training documents including certificates of insurance indicating the contractor is adequately insured for general liability and workers' compensation	Verification of the documentation of the various requirements

## ANNEX 2: Format for Report on Compliance with Conditions of Work with ESS2 for Third Parties engaging Contracted Workers

Assignment name:
Contract ref. No:
Contract period: Start date (M/D/Y) End date (M/D/Y):
Contractor/Service Supplier:
Reported period:
Date of report:
Signature of authorized person:

### LABOR AND WORKING CONDITIONS COMPLIANCE REPORT:

Company	employees	*statistics:
Total number of employee's gender disaggregated 1:	M....._F.....	
Number of employees with an employment contract out of total number of employees:.....		
Number of employees without an employment contract out of total number of employees:.....		
Number of employees with access to social security, pension and health insurance out of total number of employees:.....		
Number of employees who receives wages/salaries at least once a month out of total number of employees:.....		
Number of employees who left the company in the reported period out of total number of Employees: .....		
Number of employees hired in the reported period: .....		
Number of hours worked per employee (monthly average): .....		
Total overtime (monthly average per employee): .....		
Number of injuries at work (in reporting period and cumulative since contract start) out of total nr. of employees: .....		
Number of fatalities at work (in reporting period and cumulative) out of total number of employees: .....		
Number of reported violence out of total number of employees: .....		
Number of reported harassment/ abuses out of total number of employees: .....		
Availability of an accessible and functioning employee grievance mechanism (Y/N): .....		
Number of grievances raised with the GRM (in reporting period and cumulative since contract start): .....		

Number of grievances resolved by GRM (in reporting period and cumulative since contract start): .....

Number of suits filed with regard to labor, employment and OHS issues: .....

Number of disputes brought to peaceful settlement/ voluntary arbitration procedure: .....

Number of visits by labor/ OHS inspection: .....

\*The employee is any natural person employed or engaged to work or perform service for the employer

1 The number of employees refers to the actual number/headcount on the date of the report.

2 The numbers imply the total number of incidents in the reported period.

Project workers statistics:

- Total number of project workers\*\*:
- Number of project workers with an employment contract:
- Number of project workers without an employment contract:
- Number of project workers with access to social security, pension and health insurance verified by confirmation from registry

### Working and Labor Conditions Screening Check List

S/N	Terms and Conditions	YES/NO	Notes
1	All project workers have an employment contract or engagement agreement in writing.		If “No” please specify and explain
2	All project workers are paid at least once a month		If “No” please specify and explain
3	All project workers worked 8 hours a day, 40 hours a week		If “No” please specify and explain
4	All project workers had a regular daily and weekly rest		If “No” please specify and explain
5	Number of project workers were terminated from employment with termination in line with national labor law and <b>ESS2</b>		If “Yes” please specify number and explain conditions of termination
6	Number of project workers attended OHS related training programme		If “Yes” please specify number and explain
7	Project workers were granted leaves they are entitled to		If “Yes” Please specify the type and number of leaves
8	Project workers were involved in accidents at work resulting in injuries or fatalities		If “Yes” please specify and explain
9	Project workers reported on cases of discrimination, harassment, sexual harassment or non-compliance with law		If “Yes” please specify and explain
10	Project workers raised grievances or started voluntary arbitration / legal proceedings to settle a dispute		If “Yes” please specify number and explain
11	In the reported period there were some incidents on noncompliance with the LMP		If “Yes” please specify number and explain

**ANNEX 3: Third Parties Statement (Potential Contractors and Service Providers) on Compliance with Provisions of Labor Legislation and the Dar es Salaam Metropolitan Development Project Phase Two Project's LMP**

Date and place of issuance: \_\_\_\_\_

Name and address of the issuer (Bidder): \_\_\_\_\_

**STATEMENT OF LEGAL AND REGULATORY COMPLIANCE**

Hereby we declare that<sup>5</sup>:

- We are aware of, and comply with, the standards laid down in the Labor Management Procedures;
- We conform to all national laws\* and applicable regulations concerning employment, labor and employee relations, and labor and working conditions;
- We are committed to providing a safe and healthy environment for our employees and to implementing all occupational health and safety requirements as stipulated by national legislation;
- We do not tolerate any form of child, forced or slavery work.
- We prohibit any form of harassment, sexual harassment, abuse, violence, including Gender Based Violence (GBV) at work and forbid direct or indirect discrimination against any employee or groups of employees on any ground and for whatever reason.
- We confirm that a workers' GRM is available
- We confirm that no worker GM is available but will be established by the time the contract is signed.

We hereby state that should we be awarded with the contract; we shall adopt the Labor Management Procedures applicable to the project and incorporate them in our practice. We understand that the failure to respect any of the above stated commitments could lead to termination of the contract and exclusion from the project.

Signature: .....

Name: .....

Position: .....

\*National Laws refers both to the Laws of the United Republic of Tanzania and the domicile Law of the country in case the Bidder is foreign

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<sup>5</sup> The bidder should mark appropriate commitment

#### **ANNEX 4: Primary Suppliers Statement of Compliance with Provisions of Labor Legislation and the Dar es Salaam Metropolitan Development Project Phase Two Project 's LMP related to Child Labor, Forced Labor and OHS**

Date and place of issuance: \_\_\_\_\_

Name and address of the Supplier: \_\_\_\_\_

##### **STATEMENT OF LEGAL AND REGULATORY COMPLIANCE**

Hereby we declare that:

- We conform to all national laws\* and applicable regulations concerning employment, labor and employee relations, and labor and working conditions;
- We are committed to providing a safe and healthy environment for our employees and to implementing all occupational health and safety requirements as stipulated by national legislation;
- We do not tolerate any form of child, forced or slavery work.
- We prohibit any form of harassment (including sexual) abuse, violence and Gender Based Violence at work and forbid direct or indirect discrimination against any employee or groups of employees on any ground and for whatever reason.
- We shall maintain records related to labor, occupational injuries, illness, near misses and incidents.

We hereby acknowledge our understanding that our company may be subjected to announced and unannounced visits, site checks and labor and working condition audits by the Contractor through which materials and good are supplied to the Project, PIT staff and independent third parties with the aim to verify compliance with the above statement.

We understand that the failure to respect any of the above stated commitments could lead to termination of the contract and exclusion from the project.

Signature: .....

Name: .....

Position: .....

\* National Laws refers both to the Laws of the United Republic of Tanzania and the domicile Law of the country in case the Bidder is foreign



## ANNEX 5: Code of Conduct (CoC) Template

The **Employee Code of Conduct company policy** outlines the expectations regarding employees' behavior towards their colleagues, supervisors, communities where they work and the overall organizational set-up. The CoC should promote freedom of expression and open communication. Employees should avoid offending, participating in serious disputes and disrupting our workplace. They are also expected to foster a well-organized, respectful and collaborative environment at the workplace and in the communities where they work. The following should inform the CoC:

1. A satisfactory code of conduct will contain obligations on all project workers (including subcontractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the location and the project sector and/or to specific project requirements.
2. The CoC should be written in plain language (it may need to be translated into various languages based on the needs of the workers) and signed by each worker to indicate that they have:
  - ✓ received a copy of the code;
  - ✓ had the code explained to them;
  - ✓ acknowledged that adherence to this CoC is a condition of employment; and
  - ✓ Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.
3. The Contractor should conduct continuous awareness raising and training activities to ensure that workers abide by the CoC (such as through toolbox talks and training sessions). The Contractor should also ensure that local communities are aware of the CoC and enable them to report any concerns or non-compliance.
4. The issues to be addressed include:
  - (i) Compliance with applicable laws, rules, and regulations of the jurisdiction;
  - (ii) Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment;
  - (iii) The use of illegal substances (such as alcohol and narcotics during working hours);
  - (iv) Non-Discrimination (e.g. on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction);
  - (v) Interactions with community members (e.g. to convey an attitude of respect and non discrimination);
  - (vi) Sexual harassment (e.g. to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate);
  - (vii) Sexual Exploitation (i.e. any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another);
  - (viii) Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
  - (ix) Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;

- (x) Violence or exploitation (e.g. the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior);
- (xi) Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas);
- (xii) Sanitation requirements (e.g., to ensure workers use specified sanitary facilities provided by their employer and not open areas);
- (xiii) Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection);
- (xiv) Respecting reasonable work instructions (including regarding environmental and social norms);
- (xv) Protection and proper use of property (e.g., to prohibit theft, carelessness or waste);
- (xvi) Duty to report violations of this Code;
- (xvii) Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Gender Based Violence (GBV), Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- (xviii) No retaliation against workers who report violations of the Code, if that report is made in good faith.

COVID-19 related inclusions in the CoC:

- ✓ Washing hands, sanitize and observing social distancing at all times and follow WHO and Government of Tanzania updated guidelines;
- ✓ Taking care of PPEs and materials used for protection (including gloves, masks) and ensuring their safe disposal;
- ✓ Seeking healthcare if they experience any of the following symptoms (while at home or work): cough, fever and shortness of breath; and
- ✓ Staying at home and reporting immediately to the supervisor if their family members or the employee comes into contact with someone who has been reported to have COVID-19.

5. All staff should understand the disciplinary actions that can be taken against those who repeatedly or intentionally fail to follow the CoC. Disciplinary actions will vary depending on the violation. Possible consequences include: demotion; reprimand; suspension or termination for more serious offenses; and detraction of benefits for a definite or indefinite time.

6. The company/contractor may take legal action in cases of corruption, theft, embezzlement or other unlawful behavior (for example, the diversion of food meant for the SMP or the school equipment).

## **ANNEX 6: Abbreviated Code of Conduct**

### **DOs**

- (1) Wear prescribed and appropriate personal protective equipment on site at all times.
- (2) Wash hands, sanitize and observe social distancing at all times and follow WHO and United Republic of Tanzania updated guidelines.
- (3) Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
- (4) Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
- (5) Treat women, children and men with respect regardless of race, color, language, religion, or other status.
- (6) Report any violations of this code of conduct to workers' representative, HR or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way.
- (7) Comply with all Tanzania laws and regulations.

### **DON'Ts**

- (1) Expose other people to the risk of infection in any form.
- (2) Leave personal protective equipment lying around.
- (3) Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.
- (4) Make unwelcome sexual advances to any person in any form.
- (5) Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion
- (6) Use alcohol or narcotics during working hours

For all Staff and project workers on the Dar es Salaam Metropolitan Development Project : Employees, associates, and representatives, including sub-contractors and suppliers, without exception.

## **ANNEX 7: OHS Requirements for Project Workers**

The Government of Tanzania endeavours, in all its projects and operations, to prevent personal injuries, ill health and damage to property. To guarantee this, DMDP2 Project shall implement the Pre-Qualification Checklist for all contractors to ensure that the contractors have OHS management systems and program; project specific OHS plan; safety training provided to management and workers; competency, availability and qualifications of construction safety managers and staff; and OSH inspection processes to be implemented.

This Project Occupational Health and Safety Requirements (here after referred as Plan) have been designed to assist the management of activities and support a risk-based approach to preventing dangerous acts that could lead to injuries or illnesses or serious incidents (including COVID-19 infections) at workplace as well as supply of goods and services. The plan will ensure that

workers and suppliers will exhibit professionalism in performing their duties effectively and efficiently. The purpose of this plan is to establish a uniform and comprehensive process for prompt investigation and reporting of incidents, property damage, near misses, and significant Environmental, Health and Safety incidents including the spread of COVID-19 infection. This plan is intended to provide the minimum OHS requirements that all service providers / contractors and subcontractors shall be required to adhere to; it shall be appended to the contracts. This Plan is a live document that will be reviewed on a need basis and updated if necessary.

#### **A. Local laws, Regulations and other Compliance Requirements.**

Project implementation will adhere to the relevant Health and Safety legislation requirements in Tanzania. This should also include the relevant requirements of interested parties that have been identified in the ESMF. A check for legal compliance shall be undertaken to ensure that this project is compliant with the legal and other requirements:

- a) The National Occupational Safety and Health Policy, 2009
- b) Public Health Act, 2009,
- c) Occupational Health and Safety Act, 2003, and
- d) HIV/AIDS Prevention and Control Act, 2008.
- e) WB ESF
- f) WBG EHS Guidelines
- g) COVID-19 prevention guidelines

#### **B. General Requirements**

Personal Protective Equipment (PPE) includes all equipment or apparel designed to provide workers with a barrier against workplace hazards and exposure. The equipment should protect the; head, eye, face, body, and foot. PPE protects workers/suppliers from the effects of exposure to chemical, physical, and safety hazards.

Project workers / suppliers (for the contractors and sub-contractors) who are exposed to work related physical and safety hazards that could cause injury or illness are required to wear PPE. Determining the existence of these hazards is a process referred to as "hazard assessment" and is also known as a "job safety analysis" (JSA) or "job hazard analysis". This process is the critical evaluation of a work site to document the existence of a hazard, the severity of the workplace, and the specific PPE that will be used to protect employees from that hazard. Each hazard assessment must be included in the site specific health and safety plan. Component Managers will be responsible in ensuring the suppliers and contractor / sub-contractor workers develop project-specific job hazard analysis for tasks they are to conduct and for incorporation in Health and Safety Plans (HASPs) in accordance with Occupational Health and Safety Act of 2003.

At a minimum, HASP shall be developed by all the suppliers, contractors and sub-contractors for each sub-projects, the HASP shall outline the hazards and risks associated with the tasks needed to be performed and include proper control methods including the use of proper PPE and engineering controls and the oversight competent key personnel in place.

**RESPONSIBILITY:** The Project Coordinator and Environment Safeguards Expert are responsible for all facets of this OHS requirements and has authority to make necessary decisions to ensure success of the project. The Project Coordinator and environment safeguard specialist are the sole persons authorized to amend these instructions on OHS requirements in consultation with the project coordination unit.

### **C. Incident Reporting**

Provides the minimum requirements for the investigation, reporting and recording of incidents which result in injury or illness to a person, or damage to any property, in order to ensure compliance with national regulations and the WBG general EHS guidelines; contract provisions, insurance policy requirements and to prevent recurrence. All incidents (fatality or serious injury) shall be investigated and reported immediately to TARURA WBCU who will then report to the World Bank within 48 hours and recorded pursuant to the requirements of this section. The following potential ESH incidents include, but not limited to:

- ✓ Occupational Health and safety related incidents like slips, falls from heights,
- ✓ Fire emergency
- ✓ Road accidents project staff or contractors staff
- ✓ Security risks like banditry for food suppliers in the arid and semi-arid areas, and
- ✓ Improper food hygiene, contamination leading to food poisoning

### **D. Incident Investigation**

An investigation should be initiated immediately following any incident. The scene of the incident must be immediately secured so as to not damage or destroy evidence that may be necessary during the investigation. In general, the following information should be gathered and provided in written format using prepared Incident Report Form capturing the information captured in section L: Incident Report.

### **E. Determine the Root Cause**

Conduct root-cause analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labor should also be assessed.

- ✓ Recommend actions to be taken to rectify the failure(s) that led to the incident.
- ✓ Review the safety procedures at different sites and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents. Relevant site visits should be carried out to support the analysis. Health and safety representatives of the Contractors and implementing agencies, as well as other technical counterparts as necessary should be interviewed to gain a comprehensive understanding about health and safety management.
- ✓ Review the OHS measures in Safeguards instruments and plans in construction contracts and recommend enhancements as needed. The assessment should identify what the existing procedures for safe performance of construction activities (excavation, scaffolding, working at heights, welding, etc.) are and should recommend appropriate procedures should the existing ones have gaps.
- ✓ Review the capacity of Contractors and supervision consultants to implement OHS standards. The assessment should review the training plans for skilled and unskilled labor for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.

- ✓ Review the existing arrangements for recruiting labor and what type of insurance (life or injuries and occupational health risks) and compensations are provided.
- ✓ Review compliance to the Labor Law and other international treaties by Contractors or Subcontractors.
- ✓ Assess the sufficiency of the measures that the Contractors take to minimize risk on the local communities and communicate with them. Recommend improvements as necessary.

#### **F. Determining Corrective Actions**

Once the real root cause and all contribution factors are identified, the next step is to use the Hierarchy of Health and Safety Controls to identify appropriate corrective action. The single most important outcome that results from an incident is the implementation of an effective, high-level safety most important outcome that results from an incident is the implementation of an affective, high-level safety control that eliminates the possibility of the incident reoccurring. Design the SCAP and discuss with the Bank, including actions, responsibilities and timelines for implementation, and a Borrower monitoring program. All project workers shall be required to fully abide by the Code of Conduct in compliance with the project Labor Management Plan.

#### **G. Job Safety Analysis**

Once the tasks and general hazards have been identified, the identified hazards will need to be controlled/reduced, as appropriate. The following procedures are examples of control mechanisms for the hazards identified:

#### **H. Potential Hazard Controls**

- a) Noise Hazards – Hearing protection will be worn by all personnel operating or working within the vicinity of equipment emitting noise level; when noise is sufficient to interfere with general conversation at a normal speaking volume; when noise levels exceed 85 dBA;
- b) Vibration - Exposure to hand-arm vibration from equipment such as hand and power tools, should be controlled through choice of equipment, and limiting the duration of exposure. Exposure levels should be checked on the basis of daily exposure time and data provided by equipment manufacturers;
- c) Electrical Hazards – Exposed or faulty electrical devices, such as circuit breakers, panels, cables, cords and hand tools, can pose a serious risk to workers. Avoid operating electrical equipment in a wet floor or environment. If equipment must be connected by splicing wires, all electrical work must be performed by a licensed and competent electrician;
- d) Vehicle Driving and Site Traffic: Poorly trained or inexperienced vehicle drivers have increased risk of accident with other vehicles, pedestrians, and equipment. SMP delivery vehicles if not managed well represent potential collision scenarios. The project will hire competent defensive drivers with experience over 5 years, all vehicles shall be inspected for road worthiness by the Head drivers at the PIT;
- e) Ergonomic Hazards – Proper lifting techniques such as keeping the back straight and legs bent, shall be utilized when lifting equipment or loading/offloading of the school meals from the trucks. If the lifting cannot be lifted in this manner, if it is too heavy to lift alone. Call other personnel, or use a mechanical device for lifting;
- f) Hazard due to Working at Heights: Fall prevention and protection measures should be implemented whenever a worker is exposed to the hazard of falling more than two meters; when through an opening in a work surface. Fall prevention / protection measures may be warranted on a case-specific basis when there are risks of falling from lesser heights.

- g) Fire Hazards –the use of hand held drilling machine during construction may lead to electric short circuit leading to potential fire hazard. All electrical works should be performed by trained and qualified experts.
- h) Protection against possible risks as provided in the Public Health Act and in tandem with the OSH Act, 2003 and in view of COVID-19 related risk will be managed through:
- ✓ Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of construction materials;
  - ✓ Ensuring that workers or suppliers participate in the application of Infection prevention and control (IPC) safety and health measures / guidelines as advised by Ministry of Health including availability of hand wash facilities, water and soap, alcohol-based hand sanitizer;
  - ✓ Train all staff on the signs and symptoms of COVID-19, how it spreads, how to protect themselves (respiratory hygiene, cough etiquette and hand hygiene ) and the need to be tested if they have symptoms;
  - ✓ Provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every worker or suppliers;
  - ✓ All workers and visitors accessing work sites every day or attending meetings shall be subjected to rapid Covid-19 screening which may include temperature check and/or other vital signs;
  - ✓ Any worker showing symptoms of respiratory illness (fever, cold or cough) and has potentially been exposed to COVID-19 should be immediately removed from work and tested for the virus at the nearest local hospital;
  - ✓ Project management must identify the closest hospital that has testing facilities in place, to refer workers/staff;
  - ✓ Persons under investigation for COVID-19 should not return to work at the project site until cleared by test results. During this time, they should continue to be paid daily wages
  - ✓ If project workers live at home, any worker with a family member who has a confirmed or suspected case of COVID-19 should be quarantined from the project site for 14 days, and continued to be paid daily wages, even if they have no symptoms
  - ✓ Use existing grievance procedures to encourage reporting of co-workers if they show outward symptoms, such as ongoing and severe coughing with fever, and do not voluntarily submit to testing;
  - ✓ Mandatory provision and use of appropriate Personal Protective Equipment (PPE) shall be required for all project personnel including workers and visitors;
  - ✓ Avoid concentration of more than 15 workers at one location. Where more than one person are gathered, maintain social distancing of at least 2 meters;
  - ✓ Restriction of the number of people accessing the work areas;
  - ✓ Fumigation of offices, work areas and project vehicles delivering food to the schools;
  - ✓ Train cleaning staff in effective use of PPE, cleaning arrangement and procedures and disposal of waste generated from the work site.
  - ✓ The project will also adhere to any other Government of Tanzania's guidelines on COVID-19 as well as World Bank guidelines on Covid-19 measures.

## **I. Emergency Response Procedures**

The Emergency Operations Coordinator-EOC (Safeguards Officer) is the person who serves as the main contact person for the MoE in an emergency. The EOC is responsible for making decisions and following the steps described in this emergency response plan. In the event of an emergency occurring within or affecting the worksite, the primary contact (Site Safety Officer for the suppliers, contractor and sub-contractors) will serve as the EOC. If the primary contact is unable to fulfill the EOC duties, the secondary contact will take on this role:

### **Primary**

**contact:**

**Name:** .....

**Telephonenumber:** .....

**E-mail:** .....

### **Secondary contact:**

**Name:** .....

**Telephone number:** .....

**E-mail:** .....

### **Emergency contact numbers**

- (i) Ambulance.....
- (ii) Police.....
- (iii) Hospital.....
- (iv) Fire Brigade.....
- (v) Traffic Police.....

### **Potential emergencies**

The following potential emergencies have been identified in hazard assessments:

- (i) Occupational Health and safety related incidents like slips, falls from heights,
- (ii) Fire emergency.
- (iii) Road accidents project staff or contractors staff,
- (iv) Security risks like banditry for food suppliers in the arid and semi-arid areas, and
- (v) Improper food hygiene, contamination leading to food poisoning.

### **Location of emergency equipment**

- a) Fire Alarm
- b) Fire extinguisher
- c) Fire horse
- d) Panic Alarm Button
- e) Personal protective equipment
- f) Emergency Communication Equipment (satellite phones, radio calls, etc.)

### **Training requirements for emergency response**

- a) Type of trainings .....
- b) How often are employees trained.....



**Employees trained in the use of emergency equipment**

- a) .....
- b) .....

**First Aid Kits**

- a. Type of first aid kit with all prerequisite materials  
.....
- b. Location of first aid kit within the working site and in the contracted Trucks for delivering construction materials  
.....
- c. Transportation for ill or injured employees to the nearest hospital for medication.  
.....

**First aid attendant (employee trained in first aid)**

Name: .....

Location: .....

Shift or hours of work: .....

**Communications**

We will communicate our emergency plans to employees in the following way:

- a) Code of conduct
- b) Employment contract commitment,
- c) Tool Box Talks
- d) Official Notice boards
- e) Brochures

In the event of fatality or a disaster, we will communicate in the following way with the PO-RALG/TARURA WBCU and World Bank:

Official letter in the contractors headed paper to PIT then forwarded to TARURA WBCU, who will transmit the information to the World Bank within 48 hours of the incident.

**J. Procedures for rescue and evacuation**

- (i) Evacuation route clearly demarcated,
- (ii) No obstruction within the walkways,
- (iii) All suppliers, contractors and sub-contractors will be required to have an insurance Covers for the Group Accident Cover and Medical Insurance cover which have the evacuation channels in case of accidents for the causalities.
- (iv) Clearly and legible located, copied, and posted building and site maps evacuation routes,
- (v) Mock Fire Drills and practice evacuation procedures should be done at least 4 times a year.
- (vi) All workers must leave the workplace quickly in strict adherence to this evacuation procedure,
- (vii) Warning System: The warning system will be tested 4 times a year,
- (viii) Assembly site is clearly demarcated and legible poster available,
- (ix) Site Safety Officer is the person responsible for issuing all clear safety instructions,

- (x) Shelter in Place to be oriented to all workers: in case of emergency, all workers will be provided with the emergency supplies, if any, by the suppliers, contractor or sub-contractors in the shelter location and which supplies individuals should consider keeping in a portable kit personalized for individual needs.

#### **Employee emergency contact**

No.	Employee Name	Designation	Contact person and Number	Alternative contact person and number
1		Site foreman		
2		Site Safety Officer		
3		Clerk of Work		
4		Project Manager		
5		Safeguards Officer		

#### **Review Plan**

This Emergency Response Plan will be reviewed and updated on quarterly basis and or as need arises i.e. change of the critical personnel.

#### **K. OHS Incident Investigation Form**

Classification of Accident

Indicative..... Sever..... Fatality.....

Description of the accident:

.....

Date and Time of Accident:

Location of the accident:

Source of accident alert:

#### **Investigation**

Date and Time of Investigation:

.....

Names and Status of Investigating Team

Name..... Position..... Sign.....

Name..... Position..... Sign.....

Name..... Position.....

Sign.....

Complete accident investigation questionnaire and attach copies to Incident Investigation Form.

Findings of Investigation Team

Teams description of event leading up to the accident

Teams Description of the accident itself

Team's view on the causes of the accident

Recommendation to reduce potential accident (immediate fix)

Date..... No.....Section.....

- 1) Root causes: .....
  - 2) Preventive Action taken: .....
  - 3) Further Recommendation Preventive actions: .....
- Signature..... Date.....

Project coordinator: Comments and Actions to be taken or recommended to higher authority:

Signature..... Date.....

## L. Incident Report

The **Incident Report** should be 1 – 2 pages and include, at a minimum, the following information:

- ✓ Country, Name of Project, Project Number, Name of TTL and E&S specialists assigned to the team
- ✓ Preliminary classification of the incident
- ✓ What was the incident? What happened? To what or to whom?
- ✓ Where and when did the incident occur?
- ✓ When and how did we find out about it?
- ✓ Are the basic facts of the incident clear and uncontested, or are there conflicting versions?
- ✓ What are those versions?
- ✓ What were the conditions or circumstances under which the incident occurred (if known at this stage?)
- ✓ Is the incident still ongoing or is it contained?
- ✓ Is loss of life or severe harm involved?
- ✓ Is the Borrower aware of the incident? What is their response to date?
- ✓ What measures have been or are being implemented by the Borrower/Contractor?

NB: Classifying the incident will guide decisions as to who in the Bank should be informed, and what resources are needed to understand the incident and support the Borrower in addressing the underlying cause(s). Classification must be done as rapidly as possible, so that the Bank is able to respond to the incident within a reasonable time-frame. The incident should be classified within 48 hours of receipt of the information, within 24 hours will be preferable if possible. If it cannot be fully classified due to missing information, then a preliminary classification should be provided and confirmed as details become available. The classification is based on several factors, including the nature and scope of the incident, as well as the urgency in which a response may be required. There are three levels of classification: Indicative, Serious and Severe.

*Indicative* – Relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people.

*Serious* -- An incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources.

*Severe* -- Any fatality or incidents that caused or may cause great harm to the environment, workers, communities, or natural or cultural resources.

## ANNEX 8: World Bank Incident Classification Guideline

<b>Indicative</b>
<ul style="list-style-type: none"> <li>•Relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people</li> <li>•Does not result in significant or irreparable harm</li> <li>•Failure to implement agreed E&amp;S measures with limited immediate impacts</li> </ul>
<b>Serious</b>
<ul style="list-style-type: none"> <li>•An incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources</li> <li>•Failure to implement E&amp;S measures with significant impacts or repeated non-compliance with E&amp;S policies incidents</li> <li>•Failure to remedy Indicative non-compliance that may potentially cause significant impacts</li> <li>•Is complex and/or costly to reverse</li> <li>•May result in some level of lasting damage or injury</li> <li>•Requires an urgent response</li> <li>•Could pose a significant reputational risk for the Bank.</li> </ul>
<b>Severe</b>
<ul style="list-style-type: none"> <li>•Any fatality</li> <li>•Incidents that caused or may cause great harm to the environment, workers, communities, or natural or cultural resources</li> <li>•Failure to remedy serious non-compliance that may potentially cause significant impacts that cannot be reversed</li> <li>•Failure to remedy Serious non-compliance that may potentially cause severe impactsIs complex and/or costly to reverse</li> <li>•May result in high levels of lasting damage or injury</li> <li>•Requires an urgent and immediate response</li> <li>•Poses a significant reputational risk to the Bank.</li> </ul>

## ANNEX 9: Complaints Reporting Template

No. of complaints received	Main mode complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g. spot resolution, 1 day, 7/14 days, quarterly, annual	Recommendations for system improvement

## ANNEX 10: Complaints Log

Date and complaint from	Complaint e.g. non issuance of ID	Officer/ department complained against	Nature of complaint/ service issue, e.g. delay	Type of cause	Remedy granted	Corrective/ preventive action to be taken	Feedback given to complainant

Type of cause –physical (e.g. system failure), human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)

## ANNEX 11: Complaints Form

### 1) Complainant's Details

Name (Dr / Mr / Mrs / Ms) .....

ID Number.....

Postal address .....

Mobile .....

Email .....

County .....

Age (in years): .....

### 2) Which institution or officer/person are you complaining about?

Ministry/department/agency/company/group/person .....

### 3) Have you reported this matter to any other public institution/ public official?

Yes .....No.....

### 4) If yes, which one?.....

Has this matter been the subject of court proceedings? YES.....NO.....

Please give a brief summary of your complaint and attach all supporting documents [Note to indicate all the particulars of *what* happened, *where* it happened, *when* it happened and by *whom*] .....

### 5) What action would you want to be taken?.....

Signature: .....

Date: .....