



Government of the Republic of Malawi

MALAWI SOCIAL SUPPORT FOR RESILIENT LIVELIHOODS PROJECT

LABOUR MANAGEMENT PROCEDURES

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1. OVERVIEW OF THE SOCIAL SUPPORT FOR RESILIENT LIVELIHOODS PROJECT

The Malawi Social Support for Resilient Livelihoods Project (MSSRLP) is a five-year multifaceted social support project of the Government of Malawi to be implemented with financial support from the World Bank. The Development Objective of the Malawi Social Support for Resilient Livelihoods project (MSSRLP) is to improve resilience among the poor and vulnerable population and strengthen the national platform for safety nets. The project will support the Malawi National Social Support Program II and it is entirely devised around the MNSSP II strategy and Implementation Plan, reflecting strong government ownership.

The MMSSRLP will have three main components:

(1) Improving Social and Economic Inclusion: The Improving Social and Economic Inclusion component will have two subcomponents: (a) Enhanced Core Programs and (b) Financing Scalable Safety Nets. The Enhanced Core Programmes subcomponent will focus on the consolidation of an appropriate package of support for beneficiary households with a mix of program interventions, including Social Cash Transfers (SCT), Livelihoods Support, and Enhanced Public Works (EPW) as well as an option for scalable financing in times of crisis.

(2) Strengthening Harmonized Delivery Systems: Under strengthening harmonised delivery systems component, the project will establish systems that will promote harmonisation within the social safety net sector and potentially link to other sectors to improve effectiveness of delivery. Such systems will include an institutionalised national social registry (Unified Beneficiary Registry), electronic payment and citizen's engagement and social accountability including grievance redress mechanisms.

(3) Capacity Building and Institutional Strengthening Support: The capacity building and institutional strengthening support component will support the enactment of the MNSSP II, the setting up of the necessary institutional structure for its implementation, as well as the general management and evaluation of the MSSRLP.

2. RATIONALE AND OBJECTIVES OF THE LABOUR MANAGEMENT PROCEDURES

Delivery of the Social Support for Resilient Livelihoods Project is expected to utilise the government, private and community human resources which are available at national, district and community levels. The Malawi Government recognises that sound worker-management relationships, fair treatment of workers, promotion of gender equality and protection of women from gender based violence (GBV) and provision of safe and healthy working conditions enhances development benefits of a project. It is for this reason that these labour management procedures have been developed for the MSSRLP. The objectives of the labour management procedures are to:

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

3. ANTICIPATED LABOUR USE IN THE PROJECT

3.1 Number of Project Workers

The implementation of the Social Support for Resilient Livelihoods Project is expected to make use of about 60,000 workers. This includes about 40,000 community workers who will be targeted by the enhanced public works and Livelihoods programmes to implement small scale catchment management subprojects; about 18,000 volunteers from various community committees will assist in coordination of the programme activities. About 2000 government staff, direct project staff and workers of contracted financial service providers will be involved in the delivery of project activities.

3.2 Characteristics of Project Workers

3.2.1 Community Workers (Beneficiaries)

This includes the beneficiaries who will be targeted by the enhanced public works and livelihoods programmes to implement small-scale catchment management and livelihoods sub-projects. Furthermore, the project will make use of volunteers from various community committees such as Area and Village Development Committees, Community Social Support Committees, Promoters, Care Groups, and Grievance Redress Committees to assist in coordination of the programme activities. As a safety net programme, the Enhanced Public Works Component (EPWP) targets ultra-poor households with labour capacity. A registered representative of targeted households will be required to undertake some forms of labour initiatives in order to receive their benefits. Both men and women aged between 18 and 60 will have an opportunity to participate in the programme. Pregnant women and lactating mothers will be waived from participating in EPWP 24 months post-delivery.

Timing of labour requirements: For the EPWP, participants will have to fulfill their work allocation which is estimated to be carried out for 4 hours per day, for 12 days in a month for 12 months. Work locations and types of jobs will be determined by the cluster/ catchment according to the needs identified in the Village Action Plans (VAPs).

3.2.2 Direct Project Workers

Implementation of the Project will mainly use civil servants both at national and district council levels who will be involved either on full-time or on part-time basis. These include National Local Government Finance Committee (NLGFC) staff, district council staff, and sector experts from agriculture, forestry, environment, community development and other sectors relevant to the programme, who will support activities on part-time basis. The civil servants salaries are financed through government coffers. Further, the project will utilise about 15 project officers who were recruited on contractual basis under MASAF IV¹ and deployed to district councils in order to strengthen fiduciary oversight.

Timing of labour requirements: Civil servants who have been assigned to coordinate the project will be expected to work on full-time basis throughout the project while the rest of the team will be expected to render their duties whenever need arises. The project officers under the MASAF IV work on contract which is renewed annually subject to performance and are expected to work full-time for the project during their tenure of office.

¹The Malawi Social Action Fund IV (MASAF IV) is a predecessor programme to the Malawi Social Support for Resilient Livelihoods Project

3.2.3 Contracted Workers and Short-term Consultants

The project will engage financial service providers or agents to ensure the effective, timely and efficiency of cash disbursement. Consultants will also be engaged to undertake certain assignments such as assessment and systems design for short periods of time. Both contracted workers and short-term consultants will be guided by specific contractual agreements between them and the Malawi Government through the NLGFC.

Timing of labour requirements: The firms contracted to provide financial services will be engaged under a long-term period of not less than 12 months, renewable based on performance and the labour requirement. Additionally, the time schedule and deliverables will be stipulated in their respective contracts. Short-term consultants, on the other hand, will be engaged on fixed number of days depending on the type and amount of work.

3.2.4 Migrant Workers

The project shall only engage domestic workers as either beneficiaries or volunteers. In this regard, a domestic worker is defined as a person residing or household which is within a selected cluster or catchment where the project activities are being performed.

Timing of Labor Requirements: For the enhanced public works programme, participants will have to fulfill their work allocation which is estimated to be carried out for four hours per day, for 12 days in a month for 12 months. Work locations and types of jobs will be determined by the cluster/ catchment according to the needs identified in the VAPs.

4. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

4.1 Project Activities

Significant use of labour is mostly expected to arise from implementation of the sub-projects under the enhanced public works and livelihood support components of the MSSRLP. Under the enhanced public works programme, qualified households will be expected to provide labour for the implementation of various catchment management activities to create community assets. The identification and siting of potential sub-projects under the enhanced public works will be guided by the Enhanced Public Works Guidelines² and the Project Implementation Manual³ for the enhanced public works which prescribe the type of eligible projects under the catchment management approach. These include sub-projects such as:

- Afforestation - both tree planting and regeneration;
- Land Resources conservation including gully reclamation;
- Fisheries with minor civil works (fish ponds);
- Irrigation with minor civil works but without Solar installation;
- Roads - with associated drainage improvements such as culverts, drifts, check dams and mitre drains (mostly done using hand tools and not heavy machinery);
- Sanitation and Environmental conservation project;
- Rehabilitation of community reservoirs;
- Recreation Centres like parks;
- Rehabilitation of gravity piped water supply projects with minor civil works.

² National Local Government Finance Committee, (2016). *The Public Works Guidelines*. NLGFC. Lilongwe.

³ National Local Government Finance Committee, (2019). *Enhanced Public Works Pilot Program Project Implementation Manual*. NLGFC. Lilongwe.

The health and safety risks to which the community workers may be exposed from each type of sub-project will be assessed. Even the ability to prevent or eliminate such risks or, if the risk cannot be prevented or eliminated, measures to protect community workers from exposure will be explored. This will be done through the sub-project environmental and social screening process.

4.2 Key Labour Risks

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

- Bites from snakes and bees;
- Slips and trips;
- Fall from height;
- Drowning;
- Mudslide/landslides;
- Cuts and bruises from sharp objects;
- Working in confined spaces e.g. culverts;
- Child labour;
- Gender based violence;
- Risk of contracting HIV;
- Ergonomic hazards due to lifting of heavy loads;
- Exposure to pesticides and chemicals; and
- Sexual exploitation and abuse.

The Project will address these risks by undertaking site specific risk and hazard assessments and incorporating mitigation measures for the identified risks into the environmental and social management plan for the sub-project. Some of the mitigation measures will include provision of personal protective equipment to individuals working on high risk activities or sites. The risk of child labour will be mitigated through Certification of labourers' age. This will be done by using the legally recognized documents such as National Identification Card and Birth Certificate. In circumstances where these documents are not available, the Affidavit of Birth will be used. Further, awareness raising sessions will be conducted regularly to the communities to sensitise on prohibition and negative impact of child and forced labor. Table 1 presents a summary of the possible mitigation measures for the potential identified risks.

Table 1: Possible mitigation measures for the potential risks

<i>Potential Risks</i>	<i>Mitigation Measures</i>
<i>Bites from snakes and bees</i>	<ul style="list-style-type: none"> • Provision of well stocked first aid kits • Sensitisations of beneficiaries • Provision of first aid training
<i>Slips and trips,</i>	<ul style="list-style-type: none"> • Provide good working environment • Provision of warning signs • First aid training
<i>Fall from height,</i>	<ul style="list-style-type: none"> • Provision of well stocked first aid kits • Provision of appropriate PPE • Provision of harnesses and scaffolds • First aid training
<i>Drowning,</i>	<ul style="list-style-type: none"> • Provision of well stocked first aid kits • Installation of warning signs and barricades • Provision of first aid training

Potential Risks	Mitigation Measures
<i>Cuts and bruises from sharp objects,</i>	<ul style="list-style-type: none"> • Provide good working environment • Provision of warning signs • First aid training • Provision of well stocked first aid kits
<i>Working in confined spaces e.g. culverts,</i>	<ul style="list-style-type: none"> • Provision of warning signs • First aid training • Provision of well stocked first aid kits
<i>Child labor,</i>	<ul style="list-style-type: none"> • Sensitisation of beneficiaries on issues of child labour • Do not employ under age • Certification of ages and removal of the under age
<i>Gender based violence,</i>	<ul style="list-style-type: none"> • Sensitisation on dangers and prevention of Gender Based Violence • Provide equal employment opportunities to men, women, youth and the disabled • Implement code of conduct
<i>Risk of contracting HIV,</i>	<ul style="list-style-type: none"> • Sensitisations on HIV and AIDS • Provision condoms • Provision of IEC materials
<i>Ergonomic hazards due to lifting of heavy loads,</i>	<ul style="list-style-type: none"> • Adherence to established labour laws e.g. working hours, leave entitlements
<i>Exposure to pesticides and chemicals</i>	<ul style="list-style-type: none"> • Provision of PPE • Implement a Pesticide Management Plan (PMP)
<i>Sexual Exploitation and Abuse</i>	<ul style="list-style-type: none"> • Community sensitisation • Women and girls empowerment • Implement code of conduct

5. BRIEF OVERVIEW OF LABOUR LEGISLATION

5.1 Occupational Health and Safety

The Occupational Safety Health and Welfare Act (1997) provides a framework for the conditions of employment in workplaces as regards to safety, health and welfare of workers. The Act directs the prevention of accidents occurring to persons employed or authorised to go into the workplaces or the general public; through implementation of identified mitigation measures for the identified potential hazards to safety and health. In order, to ensure that the working environment is free of health and safety risks and hazards the project shall ensure that proper mechanisms are put in place such as proper documentation and reporting of accidents and also provision of preventive and protection measures.

5.2 Terms and Conditions

The Employment Act of (2000) and the Labour Relations Act (1996) provide a framework for the protection of worker management and rights. The Employment Act regulate employment matters in terms of minimum wages, fair labour practices, non-discrimination and prohibition of employment of children. On the other hand the Labour Relations Act (1996) promotes sound labour relations through protection and promotion of freedom of association, encouraging collective bargaining, settling labour complaints and disputes, establishment of disputes handling machinery in organization.

6. RESPONSIBLE STAFF

The NLGFC, which is the coordinating institution for the MSSRLP will assume overall responsibility for management of workers in the project. However implementation of the MSSRLP will be done in collaboration with several other stakeholders at national, district and community Level who will also be expected to assist in management of workers within their areas of jurisdiction in the project. Thus successful management of project workers requires clear definition of roles and responsibilities of key players and stakeholders at community, district and national levels.

6.1 National Level

The NLGFC in collaboration with the Ministry of Labour, Youth and Manpower Development will be responsible for:

- Preparing necessary guidelines and all forms needed,
- Building capacity of district level staff in labour management issues
- Provision of expert advice on labour management,
- Carrying out enforcement and monitoring role as stipulated by law,
- Carrying out periodical review of labour and working conditions
- Facilitating training for staff that will carry out LMP at district level
- Providing funding for implementation of Labour Management Procedures at district level
- Monitoring and supervision of contracted service providers to ensure that management of their workers comply with the agreements in the contract

6.2 District Level

The District Social Support Committee and the District Environmental Subcommittees will be responsible for management of community workers at district level. The District Labour Officers who are also members to these committees will take the lead in coordination of labour management issues in the project at district level. Among other roles, their responsibilities will include:

- Training of extension staff on labor management issues related to the project;
- Monitoring and supervising community workers to ensure compliance with occupational and community health and safety procedures for prevention of accidents; and
- Administration of relevant forms and preparation of quarterly monitoring reports.

6.3 Community Level

The Area Executive Committee which is comprised of extension workers from government departments and Non State Actors will be responsible for management of community workers at community level. The extension workers will be responsible for:

- Training of catchment management committees and subproject implementation committees on labour management procedures
- Creating awareness on labour management practices and safety procedures amongst community workers
- Monitoring and supervision of implementation of labour management procedures in subproject sites
- Preparation and submission of quarterly monitoring reports on labour management issues from their areas to the district labor officer

6.4 Subproject Site

At the sub-project site level, the sub-project project implementation committee shall appoint one person to be responsible for ensuring compliance with labour and community health and safety procedures among the workers at their subproject site. This will also include undertaking both compliance monitoring and effects monitoring.

7. POLICIES AND PROCEDURES

The Malawi Social Support for Resilient Livelihoods Project will be guided by an occupational safety and health policy statement which has been developed for the project. The policy is guided by the provisions under the Occupational Safety Health and Welfare Act (1997), the Employment Act (2000), the World Bank Standard on Labour and Working Conditions (ESS2) and the ILO conventions to which Malawi is a party.

7.1 Occupational Health and Safety Policy Statement for the MSSRLP

This policy will apply to all sites where Social Support for Resilient Livelihoods Project has its activities.

Social Support for Resilient Livelihoods Project is committed to providing a health and safe working environment for its beneficiaries and volunteers with an aim of preventing injury and illness resulting from activities to be undertaken under the project. In order to exercise this commitment, the following policy on safety and health is issued.

Social Support for Resilient Livelihoods Project is responsible for assisting its beneficiaries and volunteers in prevention of injury and illness resulting from activities undertaken under the project.

Supervisors identified under this project, will be trained and held responsible for ensuring that the project beneficiaries and volunteers, under their supervision, follow this policy. They are accountable for ensuring that beneficiaries and volunteers are adequately and suitably informed of potential hazards to which they may be exposed to at workplace and instructed and trained in the measures available for prevention and control and protection against such hazards.

Supervisors also have a general responsibility for ensuring the safety of equipment and facility to be used under the project.

Social Support for Resilient Livelihoods Project will ensure that where there is a requirement, beneficiaries or volunteers are provided with appropriate personal protective equipment and first-aid kit.

Social Support for Resilient Livelihoods Project recognises the beneficiaries' or volunteers' duty to identify hazards, report and to play an active role to protect their health and safety and that of others by complying with applicable legislation, procedures, rules and instructions as prescribed by the Social Support for Resilient Livelihoods Project.

Project beneficiaries and volunteers have a general responsibility of ensuring that anything provided in the interest of health and safety, is not intentionally or recklessly interfered with or misused.

7.2 Selection of Community Workers

Beneficiary households to participate in the enhanced public works will be drawn from the Unified Beneficiary Registry (UBR) and inputted into the Nthandizi Management Information System (NMIS). The UBR provides a single source of information on households eligible for social support programmes. The NMIS already has the eligibility criteria of Public Works Programme imbedded in it. Only households meeting the PWP eligibility criteria of "ultra-poor households with labour capacity" will be selected as potential participants in the EPWP.

Due to lapse of time between time of UBR data collection and actual implementation of sub-projects, the list of eligible households in a target community will be vetted by the community through an open community meeting facilitated by extension workers in collaboration with the catchment management committee. The names will be vetted for the following factors:

- (a) Whether the selected household stays within the vicinity of the earmarked catchment;
- (b) Whether the selected household has migrated or dissolved;
- (c) Whether the selected household is now labour constrained (i.e. the household member with labour capacity has developed a condition (pregnancy, disability, chronic illness) to prevent them from working in the EPWP;
- (d) Whether the selected household is a participant in the Social Cash Transfer Programme; and
- (e) Whether the selected household is not ultra-poor.

7.3 OHS Compliance

The requirements of the Environmental and Social Standard on Occupational Health and Safety will be complied with through carrying out of site specific risk assessments and development of appropriate risk prevention and mitigation measures. Where risk prevention and mitigation requires provision of personal protective equipment (PPE), appropriate PPE will be provided to workers who are tasked to work on high risk tasks or areas. Such PPE will be identified during development of site-specific environmental and social management plans (ESMPS) after carrying out of environmental and social screening of the sub-projects. The project will also provide first aid training to designated members of sub-project implementation committees responsible for overseeing health and safety issues at sub project sites. The training will also include transfer of skills on how to set up First Aid Kits in sub-project sites from locally available materials and resources.

Cost for procuring PPE will be included in the subproject budget. Community Catchment Management Committees will be responsible for procurement of these inputs with the support of the Local Authorities. They will also maintain a stores ledger book where all tools procured will be recorded.

Relevant stakeholders will be engaged to facilitate implementation of health and safety measures which will include conducting risk assessment in all locations involving risky work, the identification and provision of necessary personal protective equipment, as well as ongoing safety training, monitoring and sharing of information. Annexed to this LMP is a risk assessment tool which will be used for identifying hazards and potential prevention and mitigation measures in all project locations.

8. GENDER BASED VIOLENCE AND SEXUAL EXPLOITATION AND ABUSE (GBV AND SEA)

Gender Based Violence is defined as any conduct, comment, gesture, or contact perpetrated by an individual based on gender on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

Implementation of the Malawi Social Support for Resilient Livelihoods Project will generally have positive impacts on communities. However, where cash benefits are introduced within communities and households, relations can shift and raise the potential for GBV and SEA. Such incidences may arise especially in situations whereby household representatives that receive programme benefits are forced to surrender the cash to spouses, where payments may be used to lure adolescents into unsafe sexual practices, or cases of forced sexual relationships in return for favours in the project.

The project will carry out GBV risk assessment at all specific sub-project sites in order to develop and implement GBV action plans for mitigating GBV and SEA issues. The mitigation actions shall include regular community sessions to create awareness about the forms of GBV and its negative effects.

In all cases, the incidents of GBV will be reported and dealt with through the GRM procedure. However, since GBV cases are substantively different from other complaints that are typically handled through the grievance redress mechanisms, such cases will need a specific channel within the GRM for their management. All information will be treated as confidential and the GRM committees will be oriented on how to approach and refer survivors to a safe and ethical GBV service provider.

9. AGE OF EMPLOYMENT

As stipulated above, the Employment Act (2000) stipulates that the minimum age of employment in Malawi is 18, which is also stipulated in the International Labour Organisation Conventions (138) on minimum age. These two legislations prohibit the employment of underage children. However, according to section 21 of the Employment Act, children between the ages of 14 and 18 are allowed to participate in light work so long as it does not interfere with the child's education or harm the child's health or physical mental, spiritual, moral or social development.

Under the MSSRLP, children under the age of 18 will **NOT** be allowed to be enrolled in the enhanced public works programme because its activities are deemed to be labour intensive hence unsuitable for children. Children between the ages of 14 and 18 may, however, participate in activities of other programmes under the MSSRLP so long as it is voluntary and does not interfere with the child's education or harm the child's health or physical mental, spiritual, moral or social development.

As selection of beneficiary household will be guided by the Unified Beneficiary Registry, the specific programme components will take additional measures in identifying suitable participants within the household. As such, the following mechanisms will be put in place to verify the age of project worker:

1. The National Identity card;
2. Birth Certificate;
3. Project Identification Card (Pass books)

The following procedure will be followed if underage worker (s) is (are) found in the enhanced public works programme:

- Household labour capacity assessment will be conducted;
- Failing to demonstrate eligible labour capacity the household will be removed;
- The Household then will be referred to relevant alternative programmes under the MSSRLP such as the Social Cash Transfer Programme.

In circumstances where these documents are not available, the Affidavit of Birth will be used. Further, awareness raising sessions will be conducted regularly to the communities to sensitise them on prohibition and negative impact of child and forced labour.

10. TERMS AND CONDITIONS

As already indicated, the MSSRLP will involve three main categories of workers namely:

- (i). Direct Project Workers;
- (iii). Contracted Workers and Short-term consultants;

(iii). Community workers.

The government officials at District Level and National Level and the Project Officers who were employed and deployed to District Councils under the MASAF IV Project constitute the direct workers. The Terms and Conditions of the employment for the staff of Government Departments and the NLGFC are guided by the National Civil Service regulations and other National Labour and Employment legislation. The Project Officers are guided by Terms and Conditions of their contractual agreements with NLGFC. In addition to the general terms and conditions of work provided by the Civil Service regulations, NLGFC staff are also guided by NLGFC Terms and Conditions of Service.

The community workers will work on EPWP sub-projects using guidance provided in the EPWP Implementation Manual and Guidelines. The EPWP implementation Manual stipulates, among other things, the eligibility criteria to participate in the EPWP. Further to the guidance contained in the EPWP Implementation Manual and Guidelines, the following terms and conditions will guide management of community workers enrolled under the EPWP:

- Community workers must be targeted and enrolled as ultra-poor household with labour capacity;
- Eligible members must be resident in the respective target catchment area and be between the age of 18 and 60;
- Where wages are applicable, they will be pegged to the minimum wage rate established by the national labour laws;
- Enrolled households should be willing and able to undertake at least four hours of work per day for a period of 12 days in a month for labour intensive activities;
- Payment of wages will be done bimonthly and will be conditional to completion of work as per agreement within the project plan and work allocation per households; and
- Failure to complete work allocated will lead to forfeiting of payment. Project supervisors are then tasked to assess the amount of wages to be paid, based on work completed.

During beneficiary enrollment, extension workers will explain to beneficiaries and the entire community the objectives of the enhanced public works. The working conditions will be made clear to the community members prior to commencement of work.

11. GRIEVANCE MECHANISM

The Project recognises the vulnerability of the target communities, beneficiaries and the different types of workers to be involved or affected by the project. In this regard, the project will strengthen the Grievance Redress Mechanism that was established under MASAF IV. The Grievance Redress and Management Committees, which were established at village, area, and district levels, will be reorganised and adequately capacitated. The GRM will also be extended to the national level and be expanded to handle all types of grievances arising from implementation of all the programmes under the MSSRLP including work related grievances.

In the case of community workers, the sub-project site level will be the first opportunity for resolution of grievances through discussion and mutual agreement between the project-affected person and members of the sub-project implementation committees. Each Sub-project implementation committee will facilitate receiving, recording and resolution of grievances at their project site through a designated member of the committee. The Workers will be sensitised to put-forward their grievances or concerns about anyone or anything in the project through appropriate channels of their choice which will include:

- Face- to-face meetings with sub project committee members, extension workers, district staff, and national staff during visits to their project site;
- Grievance boxes and desks to be set up at pay points during pay-parades;
- Written letters; and
- E-mail or SMS.

Upon receipt of the grievance, the sub-project committee shall assess it to establish whether it could be resolved locally or be referred to a higher level. Where possible, the sub-project committee shall attempt to resolve and close the matter if the PAP is satisfied with the resolution. Where the matter has failed to be resolved or where it is deemed to be beyond the capacity of the sub-project committee, the matter shall be referred to the Village Grievance Redress and Management Committee at village level or another relevant institution for further redress. The PAP/worker will be informed and the determination will be appropriately recorded in a grievance register. Upon receiving a written referral from the Sub-project Implementation Committee, the Village Grievance Redress and Management Committee shall also attempt to resolve the matter by convening concerned parties where possible. The same process will be repeated with further referral levels until the case is resolved.

The GRM for the MSSRLP is complimentary to other existing grievance redress mechanisms within the communities such as traditional chiefs, courts, police, Anticorruption bureau, human rights bodies and Civil Society Organisations. As such, communities shall be informed about the other existing mechanisms and be allowed to make use of them when and where ever they find it necessary. This would also assist in creating alternative space for PAPs who would otherwise not be able to voice out their concerns through the main GRM structure for fear of reprisals despite repeated assurances of their protection. The project will, therefore, also identify and engage institutions that provide alternative grievance redress mechanism services in project target areas in order to create linkages that would provide necessary feedback to the Project GRM.

The composition of members of the grievance redress and management committees at all levels is carefully selected to ensure the balance between representatives of the supply and demand side of the project and also neutral actors and institutions where possible. For instance, the village grievance redress and management committee will include Youth representative, Elected PAPs representative (SCT, PWP, Livelihoods), Community Based Organisation /Faith Based Organisation representative, Women representative from groups/committees, Chairperson of the VDC as an ex-officio member, Representative of the community social support committee, and Member of the Area Land Management Committee.

Figure 1 is schematic diagram of the GRM set up for the Malawi Social Support for Resilient Livelihoods Project.

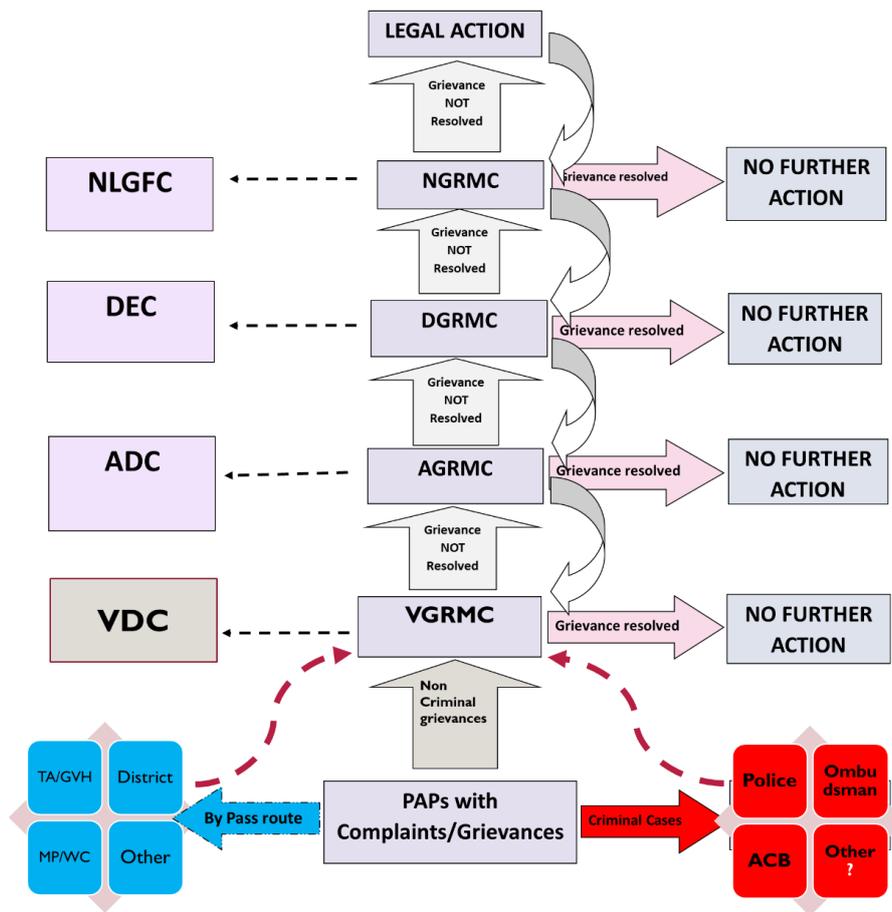


Figure 1: Institutional arrangement for the MSSRLP Grievance Redress Mechanism

12. CONTRACTOR MANAGEMENT

The Project anticipates contraction of financial service providers under the E-payment subcomponent. The service provider will have personnel who will be involved in the delivery of wages and cash transfers to the beneficiaries.

In order to ensure fair competition and transparency, the selection of contractors will be based on the Government of Malawi’s Public Procurement and Disposal of Assets Authority (PPDA) procedures which regulate the engagement of contractors. This includes:

- Competitive bidding through transparent open advertising;
- Shortlisting and selection of contractors; and
- Contractual signing.

The National Local Government Finance Committee (NLGFC) will ensure that the requirements of the Environmental and Social Standard (ESS 2) and non-compliance remedies are incorporated into contractual agreements. Contractors will be required to develop and sign a contractors’ ESMP that will also include issues of code of conduct, GBV, SE, child labour and GRM at contractor’s worksite. Similarly, it will ensure that issues concerning subcontracting are done with the consent of the Government. In ensuring that there is compliance with the requirements of ESS 2 by service providers, the project will regularly monitor and evaluate activities of contractors in line with the Malawi Social Support for Resilient Livelihoods M & E framework. The project will also strengthen awareness among workers to ensure that they are aware of their entitlements

12.1 Code of Conduct

The Code of Conduct aims at preventing and/ or mitigating social risks within the context of the project. The social risks that may arise include but not limited to GBV; VAC; HIV/AIDS infection and prevention and Occupational Health and Safety.

Contractors who may be engaged under the MSSRLP will be required to develop and implement a code of conduct that will commit them to create and maintain an environment which prevents social risks. The developed code of conduct will be reviewed by the Bank. The contractor will be required to communicate clearly to all those engaged on the project the behaviours which guard against any form of abuse and exploitation in order to prevent social risks. A Sample of the outline of the Code of Conduct is provided in Annex 3.

13. COMMUNITY WORKERS

As already indicated, the Malawi Social Support for Resilient Livelihoods Project will enroll ultra-poor households with labour capacity as beneficiaries of the enhanced public works programme to work as community workers. The procedure for their enrollment is described in section 7.2 on policies and procedures.

ANNEXES

ANNEX 1: RISK ASSESSMENT TOOL

What are the hazards?	Who may be harmed and how?	What are you already doing?	What further action is necessary?	How will you put The assessment into action?		
Spot hazards by: <ul style="list-style-type: none"> ■ Walking around the workplace; ■ Asking workers what they think; ■ Checking safety instructions; ■ Contacting your supervisors <i>Don't forget long-term hazards</i>	Identify groups of people. Remember: <ul style="list-style-type: none"> ■ Some workers have particular needs; ■ People who may not be in the workplace all the time; ■ If you share your workplace think about how your work affects others; ■ Members of the public <i>Say how the hazard could cause harm</i>	List what is already in place to reduce the likelihood of harm or make any harm less serious	You need to make sure that you have reduced risks "so far as is reasonably practicable". An easy way of doing this is to compare what you are already doing with best practice. If there is a difference, list what needs to be done	Remember to prioritise. Deal with those hazards that are high-risk and have serious consequences first.		
Review your assessment to make sure you are still improving, or at least not sliding back If there is a significant change in your worksite, remember to check your risk assessment and where necessary, amend it			Review Date:			
Assessment completed by:			Signature:			

ANNEX 2: SUMMARY OF LABOUR RELATED ISSUES FROM FIELD PUBLIC CONSULTATIONS

SN.	Issues Raised	How the issues have been addressed
1	Skills transfer (business skills and in other areas). Making the families resilient even in the months when they had no food.	Business and financial trainings will be provided
2	Create employment among the youth (make sure many youths are engaged in the programme)	Most of the beneficiaries will be the youth
3	Late provision of wages on PWP	System will be improved to ensure timely payment. Payments will be made every 2 months E-payment will improve efficiency of payment
4	Enhancement of child labour at household level emanating from the fact that adults are going to be preoccupied with project activities	Sensitisation of household beneficiaries on child labour
5	Risk of injury	Protective gear will be provided for those who are working on risky areas
6	PWP timing should not coincide with farming period	Fund transfer accounting and liquidation system will be improved to ensure timely implementation of activities
7	Construction of roads during the dry season has been hard for the elderly and the sickly because the work is more energy intensive than is the case during rainy season.	All systems will be improved to ensure implementation of subprojects according to their appropriate times and seasons. The UBR will also ensure that only eligible people (i.e. those with labour capacity) are recruited for EPWP
8	Need for first aid kit during PW cycle.	The project will provide first aid kits for high risk activities such as construction, farming, sanitation and hygiene activities

ANNEX 3: SAMPLE OF A CONTRACTORS CODE OF CONDUCT FOR SUB-PROJECTS UNDER MALAWI SOCIAL SUPPORT FOR RESILIENT LIVELIHOODS PROJECT (MSSRLP)

1.0 AIM OF THE CODE OF CONDUCT

The main aim of the Code of Conduct is to prevent and/or mitigate the social risks within the context of infrastructure development interventions for the MSSRLP. The Codes of Conduct are to be adopted by contractors. The social risks that may arise include but not limited to Gender Based Violence (GBV), Violence Against Children (VAC), HIV and AIDS infection/spread, and occupational health and safety.

2.0 KEY DEFINITIONS

The following definitions apply:

Gender-Based Violence (GBV)

This is defined as any conduct, comment, gesture, or contact perpetrated by an individual (the perpetrator) on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual (the survivor) without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

Violence Against Children (VAC)

This may be defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18), including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.

Child Labour

This involves employment of underage. Any person under the age of 18 should not be employed in the project sites.

Child Protection (CP)

An activity or initiative designed to protect children from any form of harm, particularly arising from VAC, and child labour.

Child

The word is used interchangeably with the term ‘minor’ and, in accordance with the United Nations Glossary on Sexual Exploitation and Abuse, refers to a person under the age of 18.

Grooming

This is defined as behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualise that relationship (for instance by encouraging romantic feelings or exposing the child to sexual concepts through pornography).

Online Grooming

This is the act of sending an electronic message with indecent content to a recipient who the sender believes to be a minor, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender.

Survivor/Survivors

This is defined as the person(s) adversely affected by GBV, VAC, and child labour. Women, men and children can be survivors of GBV, VAC, and child labour.

Perpetrator

This is defined as the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV, VAC, and child labour.

Work site

This is defined as the area in which infrastructure development works are being conducted, as part of interventions planned under the MSSRLP, funded by the World Bank.

Work Site Surroundings

These are defined as the 'Project Area of Influence' which is any area, urban or rural, directly affected by the project, or located within the distance of three kilometres' radius from the work site and/or worker's camps, including all human settlements found on it.

Consent

This word is defined as the informed choice underlying an individual's free and voluntary intention, acceptance, or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Any use of a threat to withhold a benefit, or of a promise to provide a benefit, or actual provision of that benefit (monetary and non-monetary), aimed at obtaining an individual's agreement to do something, constitutes an abuse of power; any agreement obtained in presence of an abuse of power shall be considered non-consensual. In accordance with the United Nations, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defence.

Contractor

This is defined as any firm, company, organisation or other institution that has been awarded a contract to conduct infrastructure development works in the context of the MSSRLP and has hired managers and/or employees to conduct this work.

Manager

The word is used interchangeably with the term 'supervisor' and is defined as any individual offering labour to the contractor, on or off the work site, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's team, unit, division or similar, and to supervise and manage a pre-defined number of employees.

Employee

This is defined as any individual offering labour to the contractor on or off the work site, under a formal or informal employment contract or arrangement, typically but not necessarily in

exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.

Workers Committee

A team established by the Contractor to address GBV, VAC, child labour and other relevant issues with the work force.

3.0 CODES OF CONDUCT

This chapter presents three Codes of Conduct (CoC) for use:

1. **Contractors Code of Conduct:** Commits the contractor to addressing GBV and VAC issues;
2. **Manager's Code of Conduct:** Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
3. **Individual Code of Conduct:** Code of Conduct for each individual working on MSSRLP funded projects

3.1 Contractors Code of Conduct

Contractors are obliged to create and maintain an environment which prevents social risks. They have the responsibility to communicate clearly to all those engaged on the project the behaviours which guard against any form of abuse and exploitation. In order to prevent Social risks, the following core principles and minimum standards of behaviour will apply to all employees without exception:

1. GBV or VAC constitutes acts of gross misconduct and are therefore grounds for sanctions, penalties and/or termination of employment and/or contract. All forms of Social risks including grooming are unacceptable be it on the work site, the work site surroundings, or at worker's camps of those who commit GBV or VAC will be pursued.
2. Treat women, children (persons under the age of 18) and people with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic, cultural beliefs/practices, or other status.
3. Do not use language or behaviour towards men, women or children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
4. Sexual activity with children/learners under 18 (including through digital media) is prohibited. Mistaken belief regarding the age of a child and consent from the child is not a defence.
5. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited.
6. Sexual interactions between contractor's employees and communities surrounding the work place that are not agreed to with full consent by all parties involved in the sexual act are prohibited (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
7. Where an employee develops concerns or suspicions regarding acts of GBV or VAC by a fellow worker, whether in the same contracting firm or not, he or she must report such concerns in accordance with established Grievance Redress Mechanism (GRM) that protects the identities of victims and whistle-blowers.

8. All contractors are required to attend an induction prior to commencing work on site to ensure they are familiar with the social risks and Codes of Conduct.
9. All employees must attend a mandatory training once a month for the duration of the contract starting from the first induction prior to commencement of work to reinforce the understanding of the institutional social risks and Code of Conduct.
10. The Contractor shall ensure provision of financial resources and support compliance to occupation health and safety requirements for all workers.
11. The Contractor shall ensure that workers dress appropriately i.e. dress in a way that:-
 - Is unlikely to be viewed as offensive, revealing, or sexually provocative.
 - Does not distract, cause embarrassment or give rise to misunderstanding
 - Is absent of any political or otherwise contentious slogans
 - Is not considered to be discriminatory and is culturally sensitive
12. The Company shall ensure provision of financial resources and trainings to prevent spread of HIV and AIDS.
13. The company shall comply with the national, international labour laws and all applicable laws.
14. All contractors must ensure that their employees sign an individual Code of Conduct confirming their agreement to support prevention of social risks activities.
15. The contractor should ensure equitable access to limited natural resources (e.g. water points) to avoid conflicts with local communities
16. Where possible, the contractor should ensure employment of local workforces especially where unskilled labour is required to mitigate social risks

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in termination of the contract.

FOR THE CONTRACTOR

Signed by : _____

Signature : -----

Title : _____

Date : _____

3.2 Code of Conduct for Construction Site Supervisor

Site Supervisors at all levels play an important role in creating and maintaining an environment, which prevents workers misconduct. They need to support and promote the implementation of the Contractors Codes of Conduct and enforce Workers Codes of Conduct. Construction site supervisor must adhere to this Code of Conduct. This commits them to develop and support systems, which maintain a safe working environment.

Construction Site Supervisor responsibilities include but are not limited to:

1. Where possible, ensure employment of local workforces especially where unskilled labour is required to mitigate social risks;
2. Ensure there is zero tolerance to child labour practices;
3. Promote gender inclusion at all levels;
4. Establish a workers committee to oversee issues of workers misconduct including GBV and VAC;
5. Ensure compliance to occupation health and safety requirements for all workers;
6. Ensure that workers dress code is adhered to appropriately;
7. Ensure that access to construction sites is restricted to authorized persons; hoarding is provided and that there is proper signage to construction site(s);
8. Facilitate workers training and capacity building on social, environmental and health and safety;
9. Ensure that all workers are sensitized on HIV and AIDS issues, provided with condoms and HTC services;
10. Ensure that fundamental workers' rights (e.g. working hours, minimum wages, etc) are protected;
11. Ensure that possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours should be strictly prohibited;
12. Ensure compliance to all legal requirements;
13. Supervisors failing to comply with such provision can be in turn subject to disciplinary measures including termination of employment;
14. Ultimately, failure to effectively respond to some provisions of the code of conduct may provide grounds for legal actions by authorities; and
15. Ensure that every employee under his/her supervision has been oriented on the Code of Conduct and has signed.

I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to comply to all rules of this code of conduct. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Signed by : -----

Signature : _____

Date : -----

FOR THE EMPLOYER

Signed by : _____

Signature : _____

Date : -----

3.3 Workers Code of Conduct

I, _____, acknowledge that preventing any misconduct as stipulated in this code of conduct, including gender based violence (GBV), child abuse/exploitation (CAE) are important. Any activity, which constitute acts of gross misconduct are therefore grounds for sanctions, penalties or even termination of employment. All forms of misconduct are unacceptable be it on the work site, the work site surroundings, or at worker's camps. Prosecution of those who commit any such misconduct will be pursued as appropriate.

I agree that while working on this project, I will:

1. Consent to security background check;
2. Treat women, children (persons under the age of 18) and persons with disability with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, birth or other status;
3. Not use language or behaviour towards men, women or children/learners that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
4. Not participate in sexual activity with children/learners—including grooming or through digital media. Mistaken belief regarding the age of a child and consent from the child is not a defence;
5. Not exchange money, employment, goods, or services for sex, with community members including sexual favours or other forms of humiliating, degrading or exploitative behaviour;
6. Not have sexual interactions with members of the communities surrounding the work place, worker's camps and fellow workers that are not agreed to with full consent by all parties involved in the sexual act (see definition of consent above). This includes relationships involving the withholding, promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex - such sexual activity is considered “non-consensual” within the scope of this Code;
7. Attend trainings related to HIV and AIDS, GBV, CAE, occupational health and any other relevant courses on safety as requested by my employer;
8. Report to the relevant committee any situation where I may have concerns or suspicions regarding acts of misconduct by a fellow worker, whether in my company or not, or any breaches of this code of conduct provided it is done in good faith;
9. With regard to children (under the age of 18):
 - Not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger.
 - Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.

- Refrain from physical punishment or discipline of children.
 - Refrain from hiring children for domestic or other labour, which is inappropriate given their age, or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
 - Comply with all relevant local legislation, including labour laws in relation to child labour.
10. Refrain from any form of theft for assets and facilities including from surrounding communities;
 11. Remain in designated working area during working hours;
 12. Refrain from possession of alcohol and illegal drugs and other controlled substances in the workplace and being under influence of these substances on the job and during workings hours;
 13. Wear mandatory PPE at all times during work;
 14. Follow prescribed environmental occupation health and safety standards; and
 15. Channel grievances through the established grievance redress mechanism.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as misconduct or breach this code of conduct.

I acknowledge that I have read and understand this Code of Conduct, and the implications have been explained with regard to sanctions on-going employment should I not comply.

Signed by : _____

Signature : _____

Date : _____

FOR THE EMPLOYER

Signed by : _____

Signature : -----

Date : _____

4.0 ACTION PLAN

The action plan for the Implementation for the Code of Conduct outlines the key stakeholders, their roles and responsibilities. The main key stakeholders for the implementation of the action plan are MSSRLPIU, EAD, Contractors, Site Supervisors, Construction workers and District Councils. Table 2 shows a typical example of how an implementation action plan for codes of conduct for MSSRLP subprojects may constitute.

Table 2: Typical Example of an Implementing action plan for the MSSRLP project Codes of Conduct

Key stakeholder	Roles and responsibilities	Time Frame
MSSRLP Project Implementation Unit and EAD	Awareness raising to other key stakeholders	Onset of the project
	Monitoring compliance	On-going
	Recording, processing and reporting grievances	On-going
Ministry of Local Government/ MSSRLP Project Implementation Unit	Inclusion of Code of Conduct as addendum to contract	Before signing of the contract
	Monitoring compliance	On-going
	Recording, processing and reporting grievances Translation of Code of Conduct in relevant local language	On-going
Contractors	Designate suitable personnel responsible for Code of Conduct implementation	Before mobilisation
	Raise awareness of the code of conduct to all workers including supervisors	During recruitment
	Keep record of signed code of conduct	On-going
	Recording, processing and reporting grievances	On-going
	Comply to contractors code of conduct	On-going
Site supervisors	Establish workers committee to manage environmental and social risks	Immediately after recruitment
	Explain Code of Conduct to all workers in local language they understand	During recruitment
	Conduct toolbox talks on Code of Conduct issues	On-going
	Recording, processing and reporting grievances	On-going
	Monitoring worker compliance on Code of Conduct	On-going
	Comply to Contractor and supervisor Code of Conduct	On-going
Workers	Attend tool box talks/induction prior to commencement of work and sign attendance registers	On-going
	Understand Code of Conduct and sign	During recruitment
	Comply with Code of Conduct	On-going

Key stakeholder	Roles and responsibilities	Time Frame
District Councils	Awareness raising to other key stakeholders	On-going
	Monitoring compliance	On-going
	Community engagement	On-going
	Recording, processing and reporting grievances	On-going