



**Lesotho Education Quality for Equality Project**

**Environmental and Social Management Plan**

**For Block of Classrooms, VIP Latrines and Playgrounds**

**Ministry of Education and Training**

# Lesotho

March 2019

## Contents

ABBREVIATIONS AND ACRONYMS .....	4
EXECUTIVE SUMMARY .....	5
CHAPTER 1: PROJECT DESCRIPTION AND OVERVIEW .....	7
1.2 Project Development Objectives .....	8
1.3 Project Components .....	8
1.3.1 Component 1: Improving the Teaching and Learning Environment in Targeted Primary and Junior Secondary Schools (US\$11,39) .....	8
1.3.2 Component 2: Strengthening School Accountability for Student Learning and Retention in Targeted Schools (US\$4.78 million) .....	9
1.3.3 Component 3: Strengthening Institutional Capacity and Project Management (US\$4,50) .....	10
1.3.4 Component 4: Community Based School Construction (US\$4.33 million) .....	10
1.4 Summary of Funds Reallocation .....	12
Table 1. Reallocation of funds by component (USD millions) .....	12
1.5 Environmental and Social Safeguards .....	12
1.6 Rationale for preparing the ESMP .....	13
1.7 Environmental and Social Footprint .....	14
1.8 Objectives of the ESMP .....	14
CHAPTER 2: POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK .....	16
2.1 National Regulatory Framework .....	16
2.2 World Bank's Environmental and Social Safeguard Policies .....	23
2.3 INTERNATIONAL, POLICIES, LEGAL REQUIREMENTS .....	24
CHAPTER 3: ENVIRONMENTAL AND SOCIAL IMPACTS .....	27
3.1 Description of additional Project Component (Component 4) .....	27
3.2 Beneficial Impacts .....	29
3.3 Negative Impacts .....	31
3.4 Mitigation Measures .....	32
CHAPTER 4: INSTITUTIONAL FRAMEWORK APPLICABLE TO THE PROJECT .....	33
4.1 Institutional Arrangements: .....	33
4.1.1 Inspectorate Department .....	33

4.1.2	Education Facilities Unit (EFU) .....	34
4.1.3	Consultant: .....	35
4.1.4	Procurement Unit (PU):.....	36
4.1.5	Project Facilitation Unit (PFU):.....	36
4.1.6	PFU Finance Department: .....	37
4.1.7	Citizen Engagement (CE).....	37
4.1.8	Community Construction Committee (CCC):.....	40
4.1.9	Code of Conduct:.....	41
4.1.10	Community Construction Team (CCT): .....	42
CHAPTER 5: ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN.....		43
5.1	ESMP and Monitoring Matrix .....	43
5.2	Capacity Building Need and Targets .....	50
5.3	Summary of ESMP cost for the 20 sites (schools).....	51
5.4	Overall presentation of the budget for school construction .....	51
5.5	Integration of the Project into the Overall Project. ....	52
APPENDIX 1: ESMP CHECKLIST .....		53
APPENDIX 2. CHANCE FINDS PROCEDURES .....		58
APPENDIX 3. GRIEVANCE REGISTRATION FORM .....		60
APPENDIX 4. DRAFT GENERAL CODE OF CONDUCT FOR THE PROJECT.....		62
APPENDIX 5. MINUTES OF THE ESMP CONSULTATION .....		65
APPENDIX 6 LIKHAMENG PRIMARY SCHOOL LIST OF ATTENDEES DURING COMMUNITY CONSULTATION.....		67
APPENDIX 7 BOSCO PRIMARY SCHOOL: LIST OF ATTENDEES DURING COMMUNITY CONSULTATION.....		69
REFERENCES .....		75

## **ABBREVIATIONS AND ACRONYMS**

CBSC	Community Based School Construction
CCC	Community Construction Committee
CCT	Community Construction Team
DRT	District Resource Teacher
EFU	Education Facilities Unit
EIA	Environmental Impact Assessment
EA	Environmental Assessment
ESMP	Environment and Social Management Plan
FM	Financial Management
GOL	Government of Lesotho
PFU	Projects Facilitation Unit
LEQEP	Lesotho Education Quality for Equality Project
LHWP	Lesotho Highlands Water Development Project
IDA	International Development Agency
MoET	Ministry of Education and Training
NFE	Non-Formal Education
NJCTL	New Jersey Center for Teaching and Learning
PDO	Project Development Objective
PIM	Project Implementation Manual
PSI	Progressive Science Initiative
PMI	Progressive Mathematics Initiative
PU	Planning Unit
SHN	School Health and Nutrition
SIP	School Improvement Plan
VIP	Ventilated Improved Pit Latrine

## EXECUTIVE SUMMARY

In June 2016, The Government of the Lesotho (GOL) signed a 5-year (2016 to 2021) investment project financing agreement with the International Development Agency (IDA) of the World Bank for funding the Lesotho Education Quality for Equality Project (P156001) (LEQEP) for a total value of US\$25 million. The project was approved, signed and became effective in May, June and July 2016 respectively and closes in June 2021. The project aims to improve basic education service delivery and student retention in targeted schools.

Following the Borrower and the Bank's agreement to restructure the project to include provision of school infrastructure, a new component and category of construction activities at selected schools to address the most pressing infrastructure needs has been created under the project for an estimated value of US\$4.33 million, to be reallocated from the existing resource envelope.

Construction will consist of furnished additional classrooms to existing primary schools, latrine blocks for boys, girls and teachers and low-cost multipurpose play grounds that could include soccer, basketball, netball, volleyball in few combined schools. Restructuring to include the hitherto excluded civil works in the project, addresses changed circumstances and problems that have arisen during project implementation, albeit with no changes or modification to the Project Development Objective (PDO). It shall however, improve project performance, put into beneficial use unused project funds and extend the closing date. It shall also involve modification of components, categories, resource allocation and project progress indicators. Paramount to the changes is a change in Environmental Assessment (EA) safeguard category that changes from C to B project.

More specifically the Project restructuring triggers OP/BP 4.01 Environmental Assessment mainly due to the proposed activities under Component 4 which are likely to result in some environment and social impacts that will need due safeguards

attention. The envisaged construction activities are however, expected to have minimal environmental and social impacts that are site specific, limited in scope, and can be readily addressed through mitigation measures contained in this ESMP. To mitigate the minimal adverse potential impacts, this ESMP has been prepared to include impacts, mitigations and monitoring measures, cost implications, capacity needs, and training requirements associated with the planned civil works. The ESMP also includes Chance Find Procedures (CFP) as well as measures to manage potential impacts on physical cultural resources that could be affected by the proposed civil works.

The Involuntary Resettlement Policy (OP/BP 4.12) was not triggered for this project, owing to the fact that the rehabilitations and refurbishments will be within the perimeters already set as under the ownership of schools. Therefore, none of the involuntary resettlement issues such as: physical relocation, loss of land or other assets, loss of shelter, loss of assets or access to assets and loss of income sources or means of livelihood, will arise.

The **beneficial impacts** of the proposed construction activities can be classified into the following broad categories related to project development objectives, construction cost reduction and effectiveness, improved learning environment, health issues as well as job creation through involvement of local labour as summarized below:

The planned construction is expected to directly contribute to achievement of the overarching project development objective (PDO) which is to improve basic education service delivery and student retention in targeted schools that are in the remote disadvantaged areas of the country; with a view to also reducing dropout rates.

Restructuring through inclusion of construction primarily addresses urgent education access demands through construction of minimum infrastructure, attraction of additional enrolments, as well as reduction of pupil – teacher ratios, culminating into improved learning environment. Due to the envisaged community approach to construction, the school infrastructure can be constructed with minimum cost using local material and local skills and will generate jobs for the local community.

The use of modernized VIP latrines that isolate human excreta from the surrounding environment is an improved alternative to disposal of human waste from the traditional

disposal methods such as simple pit latrines or squatting that are often unsightly and favorable to breeding flies usually and mosquitoes. They can also address health issues and contribute to improved hygiene, prevention of faeco - orally transmitted diseases and contribute to avoidance of surface water and top soil contamination if properly installed, located and maintained. Since they do not require water, VIP latrines are suitable and appropriate for the targeted remote areas commonly characterized by inadequate water supply.

Potential **adverse impacts** of the project resulting from the new construction activities include waste generation and poor disposal of construction rubble, possible contamination/pollution of especially, downstream ground/well water if the latrines are not well located as well as fumes and smell from poorly maintained pit latrines.

VIP latrines can also be susceptible to failure/overflowing during floods. Other risks include: possible accidents of young children falling into pit latrines due to unsupervised usage or poor construction quality, and threat of school infrastructure insecurity due to exposure of unprotected school premises to trespassers.

The overall cost of implementing the ESMP is estimated at M1.132 million (approximately us\$ 82,000 comprising Mitigation & Monitoring (5%), Training & Capacity Building (60%), Management (25%), and contingency (10%). These costs shall be financed from the project.

## **CHAPTER 1: PROJECT DESCRIPTION AND OVERVIEW**

### **1.1 Introduction**

The Ministry of Education and Training (MoET) through LEQEP seeks to address equity in the attainment of educational goals by targeting the poorest and least-performing schools, largely located in poorly serviced, remote mountain areas of Lesotho. The criteria for targeting these schools is a compounded index of school indicators including dropout rates, repetition rates, Primary School Leaving Examination (PSLE) success rates, school cost units and community poverty index. Once the index was computed and the schools listed in order of priority, it was evident that a significant proportion of

the schools had major physical facilities challenges. These are the 300 primary schools, and 65 junior secondary schools of which 12 are combined schools with primary and secondary.

The 377 schools specifically targeted under this project comprises 300 primary schools, 12 combined primary and secondary education and the other 65 are those secondary schools which are in the same catchment area of the 300 primary schools. The project is expected to benefit approximately 86,500 beneficiaries by 2021. This includes 53,000 students from 312 primary schools in 2017 and an additional 6,500 new entrants to Grade 1 in 2019, 2020 and 2021; 12,000 students in 65 junior secondary schools in the same catchment areas as primary; 1,400 primary teachers; 200 junior secondary teachers; 100 district resource teachers (DRTs), subject advisors, and inspectors; and 377 school boards. About 20 percent of all primary schools are being targeted by the project and these comprise the lowest performing primary schools in Lesotho.

## **1.2 Project Development Objectives**

The project development objective (PDO) is to improve basic education service delivery and student retention in targeted schools.

## **1.3 Project Components**

With restructuring, the four (4) components of the project are:

### **1.3.1 Component 1: Improving the Teaching and Learning Environment in Targeted Primary and Junior Secondary Schools (US\$11,39)**

This component continues the reform on curriculum and classroom service delivery initiated by the MoET in 2011 under the FTI-III Project. It focuses on three core areas that are designed to help the students currently in targeted primary and junior secondary schools complete a quality basic education in numeracy and literacy and in



math and science. The subcomponents are (i) strengthening primary school teaching and learning, (ii) implementing a new maths and science curriculum and assessment support in junior secondary schools and (iii) demonstrating the PMI – PSI and development of the new Lesotho model for teaching maths and science at junior secondary school level.

The objective of this component is to raise the quality of classroom service delivery at both the primary and junior secondary school levels to help create a youth population with strong foundations in literacy, numeracy, and reasoning skills.

### **1.3.2 Component 2: Strengthening School Accountability for Student Learning and Retention in Targeted Schools (US\$4.78 million)**

The three sub components namely; (i) school improvement planning, (ii) provision of school grants and (iii) strengthening the capacity for reporting, monitoring of results, and oversight mechanism are supported. This aims to empower key actors at the school level—school boards—to collectively deliberate on and carry out actions that contribute to retaining students and enabling them to learn.

This component thus finances (a) TA for the development of the Schools Improvement Plan (SIP) Manual and the school report card; (b) grants for 312 primary and 65 junior secondary schools; (c) TA and operational costs for undertaking a communications campaign on the SIP; (d) contractual payments to SIP facilitators; (e) training of SIP facilitators, school boards, DRTs, and inspectors; (f) third-party verification of the use of SIP grants in a sample of schools; (g) photocopying of the SIPs and school report cards for mass distribution; (h) training of school principals, SIP facilitators, DRTs, and district education officers on the school report card; (i) operational costs for monitoring SIP implementation, including supervision of SIP facilitators by regional inspectors, DRTs, and district education officers; and (j) costs of outsourced internal audits on SIP expenditures.

### **1.3.3 Component 3: Strengthening Institutional Capacity and Project Management (US\$4,50)**

This component focuses on strengthening and developing the capacity of the MoET, particularly the Department of Planning (DoP), to deliver its agenda, support project implementation activities, and for project management. Specifically, this component includes analytical work to support quality education service delivery at the national and decentralized levels, project coordination, procurement, Financial Management (FM), and monitoring and evaluation activities. Essential capacity building and technical and advisory support related to the Government's education strategy, especially in Non-Formal Education (NFE) and for school construction, will be provided. The project also supports a series of studies; Technical Assistance for the MoET, specifically key implementing departments; and support for the project management.

### **1.3.4 Component 4: Community Based School Construction (US\$4.33 million)**

This additional component focuses on construction activities involving minimum infrastructure that includes furnished classrooms, latrines for teachers, boy and girl students, and low-cost multi-purpose playgrounds in some of the schools targeted by this project, for an estimated value of US\$4.325 million to be reallocated. Twenty (20) neediest schools have thus far been identified.

A prioritized list of 63 schools, needing an estimated total of 156 classrooms and segregated latrine blocks for boys, girls and teachers in all but five schools was prepared by MoET. The first 20 schools have been accorded highest priority. Each one of the 20 schools will be provided with furnished additional 2 to 4 classrooms, separated Blocks of latrines for boys (3 units), girls (5 units) and teachers (units block, male and female). A total of 63 classrooms and 57 latrine blocks will be constructed as additional project activities. Since the land in Lesotho is generally hilly, the buildings will be placed such and the land around the buildings will be graded so as not to obstruct the natural drainage of water.

In addition, the following combined schools; Mosiroe, Mokhorro, Masaleng, Makintane and Amohelang shall each be provided with low cost Multipurpose playgrounds of an estimated 8000 square metres to support improving school retention at both primary and junior secondary.

Contingent upon the elasticity of the resource envelope, a prioritized list of 63 schools, needing an estimated total of 156 classrooms and segregated latrine blocks for boys, girls and teachers in all but five schools were prepared. For cost efficiency and increased accountability at school and central levels, a community-based approach to construction will be utilized.

Broadly there will be two steps in Lesotho for Community Construction. At the first level, a technical firm shall be appointed to support Education Facilities Unit (EFU) to inter alia, review and update the existing standard drawings; to use the currently in-country available materials and prevalent construction methodologies; to Visit sites, prepare topographical surveys and geographical investigations (if required); to prepare site-specific drawings adjusted to site specific slopes and prepare the Bill of Quantities (BoQ's) according to the amended site specific drawings;, to prepare detailed cost estimates after factoring in the transport cost to the site for its specific location and to lead the entire community construction process

At community level, the school boards shall assume the role of a School Construction Community Committee responsible to amongst others: identify needs such as services/laborers and goods (construction materials, tools, equipment) for the construction of school; carry out all procurement, construction, and financial management activities that include maintaining proper records documents; prepare progress reports for the construction; Hold regular meeting among School Based Community Construction (SBCC) members and with beneficiaries to update the progress and to receive feedback for improvement and to Closely coordinate with staff/consultants assigned by EFU.

## 1.4 Summary of Funds Reallocation

The reallocation of funds per component is summarized in the table below.

**Table 1. Reallocation of funds by component (USD millions)**

<b>Component</b>	<b>Description</b>	<b>Initial Amount</b>	<b>Proposed Reallocation Amount</b>	<b>Revised Allocation</b>
1	Improving the Teaching and Learning Environment in Targeted Primary and Junior Secondary Schools	15.11	3.72	11.39
2	Strengthening School Accountability for Student Learning and Retention in Targeted Schools	4.78	0.00	4.78
3	Strengthening Institutional Capacity and Project Management	5.11	0.61	4.50
4	Reallocation for construction			4.334
<b>TOTAL</b>		<b>25.00</b>	<b>4.33</b>	<b>25.00</b>

## 1.5 Environmental and Social Safeguards

As reflected in the project appraisal document May 5, 2016, this project was originally classified as EA category C project on the basis that the activities to be supported by the project were not expected to entail construction and rehabilitation works that could generate direct or indirect impacts on the natural habitats in Lesotho. As a result, none of the World Bank's environmental safeguard policies were triggered by the project on the basis of the following four environmental and social safeguards categories:

- (a) Category A projects that are likely to have significant adverse environmental impacts that are sensitive
- (b) Category B projects whose potential adverse environmental impacts on human populations or environmentally important areas are less adverse than those of Category A projects. Their scope is narrower than that of Category A.
- (c) Category C projects that are likely to have minimal or no adverse environmental impacts, for which beyond screening, no further Environmental Assessment action is required.
- (d) Category FI projects involving investment of Bank funds through a financial intermediary, in subprojects that may result in adverse environmental impact

## **1.6 Rationale for preparing the ESMP**

The inclusion of the additional Component 4 has required that the Bank undertakes an environmental screening of the proposed project restructuring to determine the appropriate extent and type of environmental and social impacts.

This process has been undertaken and the screening result shows that with restructuring, this project is now envisaged to have minimal environmental and social impacts resulting from the construction activities, thus upgrading it from EA category C to Category B classification. However, the anticipated impacts are site specific and limited in scope, and can be readily addressed through mitigation measures, thus requiring only a rapid ESMP to be prepared by GoL through the Ministry of Education and Training as Implementing Agent. This ESMP has therefore been prepared to set out the site-specific mitigation, monitoring and institutional measures to be taken during implementation to eliminate adverse environmental and social impacts, offset them or reduce them to acceptable levels.

The process of development of the ESMP was a consultative process that involved ongoing discussions between the Education Facilities Unit, Inspectorate Department and many other departments within the Ministry of education and Training. The consultative process also included support from other Ministries such as the Ministry of Public Works for guidance as well as the technical inputs of the World Bank at the Country level, Regional and HQ level. The involvement of the communities was also fostered through the engagement of communities through community gatherings where chiefs, councilors and schools boards as well as teachers participated. Appendices 5, 6 and 7 provide a summary of the discussions held and the list of attendees during the consultations.

### **1.7 Environmental and Social Footprint**

The project is targeted at a total of 20 schools that already are in existence and operation. The ownership of the land is by the schools, being government, community or proprietor owned (churches). Given the size and location of the proposed intervention, the foreseen environmental and social risks/impacts are minimal, site specific and easily manageable.

### **1.8 Objectives of the ESMP**

In compliance with the World Bank environmental, social safeguards policies and procedures as well as the national regulatory frameworks, the main objective of this ESMP is to develop the environmental and social management checklist (appendix 1) and document the actions necessary to prevent or minimize predicted negative impacts of the new school construction component of the LEQE Project. Specifically, this ESMP is designed to:

- Identify potential impacts that may occur during implementation stage of the various project activities;

- Define appropriate and specific mitigation/enhancement measures to prevent, minimize or compensate for adverse impacts with relevant cost implications that will need to be achieved during and after project implementation;
- Specify responsibilities and institutional arrangement that will be put in place and identify needs for capacity building to ensure effective implementation
- Integrate environment and social safeguards fully into the various activities of the proposed project and ensure inclusion of *environmental requirements into tender documents. A procurement manual (Procurement Manual for School Construction Through Community Participation, February 2019) has been developed and can be used as point of reference specifically for the school construction community approach.*
- Provide detailed design criteria for specific mitigation measures to be implemented.
- Provide implementation and monitoring schedule
- Ensure compliance with World Bank safeguard policies and Lesotho Environmental Law and Regulations.

## CHAPTER 2: POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK

The section below presents the policy, legal, regulatory and administrative frameworks within which the construction activities and its environmental and social impacts and mitigations will be implemented.

Preparation and implementation of proposed activities shall be grounded on compliance to the national legislation, World Bank Operational safeguards and policies, (e.g. OP/BO 4.01 and OP/BO 4.11) as well as international policies and legal requirements ratified by GoL.

### 2.1 National Regulatory Framework

The following section outlines relevant elements of the national regulatory and policy framework:

- **The Constitution of Lesotho**

All local laws and by laws have to be consistent with the Constitution as the **supreme law of Lesotho**. Likewise, all elements of the legislative and legal framework in relation to education and construction in Lesotho flow from the constitution. For example:

Chapter 3 of the Constitution, “Principles of State Policy” presents principles that form part of the public policy of Lesotho within the limits of the economic capacity and development of Lesotho. These principles are meant to guide public authorities on the policies to be adopted and fully realized in the performance of their functions.

Section 28 presents the “**Provision for education**” as one of the principles of state policies in an endeavor to make education available to all and encourages authorities to adopt policies aimed at securing that.



Following the Earth Summit in 1992 in Rio de Janeiro, Lesotho amended its Constitution in 1993 to include protection and enhancement of environment as a fundamental principle on which the country must be governed. As a result, Section 36 of the same chapter includes the “**Protection of environment**” and thus requires authorities to adopt policies designed to protect and enhance the natural and cultural environment of Lesotho for the benefit of both present and future generations and endeavor to assure to all citizens a sound and safe environment adequate for their health and well-being.

Chapter IX on Land, subsections 107 and 108 confer to the King, the power to allocate the land held by the King, in trust for the Basotho Nation, and stipulates the grounds and circumstances in which grants of interests or rights over such land may be made, revoked, restricted, terminated etc.

- **The Education Act 2010**

This Act is the statute that governs and regulates the administration of schools, teachers and all other matters relating to education in Lesotho. It is pursuant to the principle of provision of education of the people of Lesotho, and in particular, ensuring that amongst others, (a) every child is provided with opportunities and facilities to enable him to develop physically, mentally, morally, spiritually and socially in a healthy, normal manner and in conditions of freedom and dignity; (b) provision of special treatment to physically and mentally handicapped children, (c) is given the special treatment, education and care required by his condition; (d) the obligation of parents to afford children the opportunity etc.

- **The Land Act 2010 as amended.**

It is the primary land administration law in Lesotho that provides for the allocation/grant of titles to land, the conversion of titles to land, the better securing of titles to land, the administration of land, the expropriation of land for public purposes, the grant of servitudes, the creation of land courts and the settlement of disputes relating to land.

- **Building Control Act of 1995**

The Building Control Act is an Act that provides for the promotion of uniformity in the law relating to the erection of buildings in Lesotho; for the prescribing of building standards; and incidental matters. Parts II and III of the Act respectively stipulate the building authorities including the Board, Building Authority and Building Control Officer; their composition, duties and powers. Building authorities are bodies or persons appointed by the Minister under section 11 of the Act, and they are authorised to issue building permits and certificates of occupancy referred to in sections 20 and 28 respectively.

Section 18 of the Act “Approval by building authorities of application in respect of building operations” requires that construction plans must be submitted for review to building authorities. Building permits are issued to applications that comply with the requirements of the Act specified in Section 20, which stipulates inter alia, that “..if a building authority is satisfied that the application in question complies with the requirements of the Act and any other applicable law”, the authority “shall, within 30 days after the receipt of such application, grant its approval in respect thereof by issuing a building permit; (b) is not so satisfied, or is satisfied that the building operation to which the application in question relates is of such nature or appearance that, (i) it will probably or in fact be unsightly or objectionable, or create a nuisance as contemplated under the Public Health Order, 1 970~ or (ii) it will probably or in fact be dangerous to life or property, such building authority shall, within 30 days after the receipt of such application, refuse to grant its approval in respect thereof and give reasons for such refusal”

- **Environmental Act of 2008**

The Environment Act sets a number of environmental standards in relation to construction, including noise, air and soil standards. The Act specifies which projects require an Environmental Impact Assessment (EIA) or environmental monitoring, and what level of reporting is required. However, Part A of the Act exempts the school construction from the EIA and related requirements given that the construction of the site is in character with the current surroundings, that the structure is not of scale and

that it does not provide for any significant change in the current land use. This ESMP thus covers more than is required under Lesotho environmental legislation, but it is in fulfillment of the World Bank's environmental and social safeguards policies. Requirements based on the environmental and social reclassification of the project triggered by restructuring.

- **Guidelines for Environmental Impact Assessment 2010**

The guidelines are designed to facilitate integration of environmental concerns in economic development from the earliest stages of project as required in the Environment Act of 2008. They are applicable to all listed projects, whether initiated by the public sector (Government ministries) or the private sector.

- **Environmental Management Plan guidelines**

Guides the developer in sustainably implementing a project, by adopting planning strategies that improve the quality of development.

- **Labour Code Order of 1992**

The Labour Code sets very specific requirements for workers who will engage in construction and the permanent staff who will be recruited to provide labour for school construction. The Labour Commissioner enforces the Labour Code. Contractors and employers in implementing projects should observe provisions of this statute whose requirements include:

Part IV covers wages fixing

Part V covers contracts of employment, termination, dismissals, severance pay

Part VI covers provisions for protection of wages

Part VII makes provision for health, safety and welfare at work

Part VIII makes provision for weekly rest, hours of work, holidays with pay, educational leave and sick leave

Part IX covers employment of women, young persons and children.

Part X deals with labour agents

Part XI covers contracts of foreign services

Part XII makes provision for employment of non-nationals

Part XIII makes provision for trade unions organizations and employers organisations- establishment and registration

Part XIV deals with trade unions and employers' organizations membership officers, rules

Part XV provides for unfair labour practices

Part XVIII covers settlement of trade disputes

- **Water Act No. 15 of 2008**

The Act provides for protection of wetlands, natural springs and wells. The statute also stipulates that: Section 20 (1) No person shall engage in an activity of using or abstracting water without a water use permit.

Section 21 (1) No person shall engage in waterworks activities without a construction permit.

Section 27 (1) A person who wishes to discharge effluent into watercourses shall obtain a permit in accordance with the Environmental Act 2008.

The Client and Contractors are obligated by the provisions of this statute for the implementation of this project for abstraction of water, engagement in water works and discharge of effluent into watercourses as stipulated in the Environmental Act 2008.

- **Local Government Act No. 6 of 1997**

The Act provides for the establishment of local authorities and for the purposes of local Government. Section 5 deals with the functions of the local authorities, which as contained in the First Schedule, list the relevant environmental protection considerations as follows:

- Control of natural resources and environmental protection;
- Public health pertaining to refuse collection and disposal.
- The local Government authorities are obliged by the provisions of this statute to oversee the handling and disposal of both solid and liquid waste from the construction sites. They approve and allocate sites for disposal of waste.

- **Historical Monuments, Relics, Fauna and Flora Act of 1967**

The Act provides for the preservation and protection of natural and historical monuments, fauna and flora. It prohibits the destruction or removal of relics, monuments, fauna and flora. In line with the Act, the EIA will identify existing monuments and propose measures for preservation.

- **Public Health Order No. 12 of 1970**

Provides for among other things requirements for human dwellings and operating in healthy housing including issues of sanitation as a measure for disease prevention. During the construction stage of the project, the Contractors will provide living quarters and toilets for construction staff as well as removal of solid waste. This is expected to meet the requirements of this statute and international health standards at the construction site.

- **Lesotho's Local Construction Industry Development Policy**

Lesotho's National Construction Industry Development Policy (2018) is presently being finalised by the Ministry of Public Works and Transport in order to establish an institutional and legal framework for growth in the sector.

Construction of schools infrastructure under the project is anchored on the Education Act 2010, and education sector specific policy frameworks that include, though not limited to: (i) introduction of the Free Primary Education Policy in 2000 that involves abolishing of fees, provision of free teaching and learning materials, free school feeding etc, (ii) development of periodic (5 year) Education Sector Strategic Plans and Medium Expenditure Framework that provides policy guidelines for prioritisation, budgeting and projections.

- **Lesotho Water and Sanitation Policy**

The policy aims at making a clarion call to all sectors of the society to join hands in conserving and protecting this valuable resource, in order, to satisfy our present needs, as well as, those of future generation. Rangeland and management practices, wetlands conservation, controlling pollution and invasive alien species are all of particular importance.

In summary, all these regulations and laws will be addressed and respected. There is however no exclusive local authority that provides clearance on environmental issues as far as school construction is concerned hence the need for the Ministry of Education and training to ensure that all the set requirements are met. According to the part A of the first schedule of the Environment act of 2008 and environmental impact assessment will be required if the proposed infrastructure is such that: for the General conditions;

- a) Any activity out of character with its surroundings
- b) Any structure of a scale not in keeping with its surroundings
- c) Major changes in land use

For Urban and Rural Development:

- a) Designation of new urban areas
- b) Establishment of industrial estates
- c) Establishment or expansion of recreational areas
- d) Establishment or expansion of recreational areas mountain areas, national parks and game reserves
- e) Rezoning
- f) Shopping centres and complexes

- g) Hotels and tourist facilities
- h) Buildings with a total floor space of 500m<sup>2</sup> or more
- i) Declaration of development areas
- j) Other infrastructure (both urban and rural)

Upon the review of these requirements it was learnt that the school infrastructure proposed does not fit within the proposed spectrum hence the implication that there be no need for prior environmental assessment and approval.

## **2.2 World Bank's Environmental and Social Safeguard Policies**

World Bank Environmental and Social Safeguard Policies that will be triggered by school construction include:

1. **OP 4.01:** Environmental Assessment as a result of potential negative impacts resulting from effects of the construction activities on amongst others, the air, water, and land; human health and safety; as well as social aspects including potential community conflicts. Such potentially adverse impacts include:

- 1.1. waste generation and poor disposal of construction rubble,
- 1.2. potential outbreak of diseases especially in the case where the schools do not have latrines at all such that there is no protection against open defecation,
- 1.3. congestion and poor hygiene, possible contamination/pollution of especially downstream ground/well water if the latrines are not well located as well as fumes and smell from poorly maintained pit latrines,
- 1.4. possible failure/overflowing during floods.

Other risks include: possible accidents of young learners falling into pit latrines due to unsupervised usage or poor construction quality, threat of school infrastructure insecurity, as well as community discontent and dispute arising especially from semi-skilled and unskilled labor employment opportunities generated by the project. This

situation requires mitigation, monitoring, capacity building and training measures, and their integration into the project's as presented in this ESMP.

2. **OP 4.11: Physical Cultural Resources.** The policy is triggered as a precautionary measure because in other projects in Lesotho, historical cultural artifacts have been found at some construction sites. This ESMP will include Chance Find Procedures (CFP) and measures to screen for and manage potential chance finds and impacts on cultural heritage or property that could be affected by earthworks. In addition, construction contracts containing excavation works will include Chance Find Procedures (Appendix 2) as a requirement for the contractor.

The Involuntary Resettlement Policy (OP/BP 4.12) was not triggered for this project, because the rehabilitations and refurbishments will be within the perimeters already set as under the ownership of schools. Further the Lesotho LEQEP Project is to adhere to the World Bank Group General Environmental Health and Safety Guidelines (EHS), namely i) General EHS Guidelines This will be covered under the Resettlement Policy Framework

## **2.3 INTERNATIONAL, POLICIES, LEGAL REQUIREMENTS**

- **FIDIC HIV and AIDS Guidelines**

FIDIC Policy on HIV/AIDS in the construction sector recommends the following at construction sites:

Raising awareness about HIV/AIDS, Increased understanding about the disease, through dissemination of information and by generating discussion, Ensuring that construction workers have access to condoms, HIV counselling, testing and referral services, Sexually Transmitted Infection (STI) diagnosis and treatment , Monitoring of outcomes.



FIDIC also recommends provision of clauses addressing HIV/AIDS in construction contracts. The communities affected by the project are to be included in the HIV and AIDS awareness, counselling and all related activities.

In addition to the policy provision the Department of Environment facilitated a UN sponsored workshop of environmentalists on mainstreaming HIV/AIDS and gender in the preparation of EIAs on 31st October to 2nd November 2012. This initiative was in recognition by the GOL that HIV/AIDS a pandemic and that project construction sites are vulnerable locations. It was also conducted in observance of the Maseru Declaration & Commitment to AIDS in the SADC region (2003). The workshop's resolution was that HIV/AIDS must be incorporated in the future preparation of EIAs.

Lesotho has also ratified the following international conventions and protocols that have relevance to conservation of biodiversity and nature and natural resources.

- **Convention on Biological Diversity 1992**

The objectives of this Convention “are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The Convention requires States to adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions.

- **United Nations Convention to combat Desertification in those countries experiencing serious Drought and/or Desertification, particularly in Africa, 1994**

The convention emphasizes the prevention of land degradation that may among other initiatives include the rehabilitation of degraded lands that are caused by human actions such as construction activities in development projects. Clearing and grubbing may cause land degradation.

- **Protocol to prevent suppression and Punish, Human Trafficking in Persons, especially women and children, 2003**

This protocol is intended to prevent and combat human trafficking crime and facilitate international cooperation against it. It emphasizes the need for an appropriate balance between crime control measures and measures to support or protect victims of trafficking. Its importance in EIA is to bring awareness to the contractor and community that crimes described as trafficking are dangerous to a human being especially girls and women.

#### **Revised African Convention on Conservation of Nature and Natural resources, 2004**

This protocol desires for the achievement of ecologically rational, economically sound and socially acceptable development interventions. It is believed that in order to achieve sustainable development, environmental protection shall constitute an integral part of the process and cannot be considered in isolation from it.

- **SADC Protocol on Wildlife Conservation and law enforcement.**

Whose main objective of the protocol is to establish common approaches to the conservation and sustainable use of wildlife resources and to assist with the effective enforcement of laws governing those resources. Its appropriateness is drawn from the concept of capacity building for effective wildlife management, especially at grassroots level. It values information sharing during public consultations regarding the matter of equipping the stakeholders on law enforcement against killing and taking of wildlife products

## CHAPTER 3: ENVIRONMENTAL AND SOCIAL IMPACTS

### 3.1 Description of additional Project Component (Component 4)

As a result of restructuring the project to include school infrastructure, there shall be a new component involving construction of (i) blocks of 2 to 4 classrooms varying from school to school as per the identified need, plus(ii) ventilated improved pit latrines (VIP), as well as (iii) playground facilities for 20 schools of the 63 schools identified to have dire need for such facilities. The construction is expected to be completed within 18 months. Table 2 below outlines the 20 schools that constitute the top priority list:

**Table 2. List of 20 top priority schools for provision of Infrastructure**

PRIORITY	REG. NUMBER	Location		Proposal	
		NAME OF SCHOOL	DISTRICT	No. of classrooms	Latrines (number of stalls / urinals)
1	129029	TEU PRIMARY	MOKHOTLONG	4	Students' latrines: (5 for girls; 3 + urinal for boys); Double VIP latrines (1M + 1F)
2	138012	LEBAKENG PRIMARY	QACHAS NEK	4	As above
3	120033	LIHLOAHLOENG PRIMARY	THABA-TSEKA	4	As above
4	137025	KHAKENG (1995)	QUTHING	4	As above
5	124032	LIKHAMENG PRIMARY	MASERU	3	As above
6	136021	KETANE (HLALELE) PRIMARY	MOHALES HOEK	3	As above
7	133011	BOSCO	BEREA	4	As above

8	125012	RIBANENG LEC	MAFETENG	2	As above
9	122045	MAHATENG PRIMARY	LERIBE	2	As above
10	139011	LETLATSA PRIMARY	MOKHOTLONG	4	As above
11	137016	MASIA PRIMARY	QUTHING	3	As above
12	136048	MAFIKA-LISIU RC PRIMARY	MOHALES HOEK	2	As above
13	124030	KUBAKE PRIMARY	MASERU	2	As above
14	230007	MOTSOANAKABA COMBINED SCHOOL*	THABA-TSEKA	3	As above
15	208002	MOHLAPISO COMBINED SCHOOL*	QACHA'S NEK	3	N/A
16	130027	POPA COMBINED SCHOOL*	THABA-TSEKA	3	As above
17	129004	MONGOBOGONG PRIMARY	MOKHOTLONG	3	As above
18	130034	KHOTSO PRIMARY	THABA-TSEKA	4	As above
19	130045	MOSEHLE PRIMARY	THABA-TSEKA	3	As above
20	130046	LEKORANA PRIMARY	THABA-TSEKA	3	As above
		<b>Total</b>		<b>63</b>	<b>19 sets<sup>1</sup></b>

The construction works of blocks of 2 to 4 classrooms, 22 separated latrines for boys, girls and teachers to primary schools, and 5 low cost multipurpose play grounds that could include soccer, basketball, netball, volleyball in few combined schools. These will include but are not limited to: earth works – site clearance and soil excavation for classroom foundations, concrete works for foundations and superstructures and Concrete form works/reinforcement.

<sup>1</sup> A latrine set per school includes 1 block of girls latrines, 1 block of boys latrines and 1 block of teacher latrines. Girls latrines blocks are made of 5 units, boys latrines are made of 3 units and a urinal, teachers block is made up of 1 unit for males and 1 unit for females.

### 3.2 Beneficial Impacts

Based on the environmental and social checklist screening carried out in the selected schools, this sub-project is classified as a category B project. The sub-project is envisaged to have minimal environmental and social impacts resulting from the construction activities and waste.

The envisaged construction activities shall directly contribute to the project's original focus of addressing challenges of equity and quality of education in Lesotho, and achievement of the main development objective of improving basic education service delivery and student retention in targeted schools, with a view to amongst others, improving teacher content knowledge, reducing drop-out rate, and thus improving the inverse retention rate in the targeted schools.

The beneficial impacts of the proposed construction activities are as follows:

- Increased access evidenced by a surge in enrolment of pupils will result in an improved environment which the new school block(s) will provide;
- Classroom construction will provide an improved learning environment that will attract additional enrolments resulting in increased access to secondary education;
- Job creation: Implementation activities will have a positive impact for the local economy, particularly with regard to job creation (labour for construction works, maintenance and monitoring) and related activities such as petty trading;
- Income generation: Civil works will have some impacts on the local economy, with the use of local SMEs whose project will lead to a high use of labour;
- The classrooms will reduce the teacher-pupil ratio and result in improved learning;
- Creation of job opportunities for the locals such as artisans;
- Improved health outcomes which will be a result of proper use of VIP latrines once constructed;

- Improved quality of teaching and learning in schools where the environment impedes the quality of teaching;
- Prevention of faeco-orally transmitted diseases and improved hygiene resultant from use of modernized pit latrines that isolate human excreta from the surrounding environment;
- Improved disposal of human waste from the traditional disposal methods including simple latrines and squatting.

The Alternating double pits are a good system for schools as it allows for continued long term used and thus is a superior choice to a conventional single pit latrine. A conventional VIP latrine requires a new pit to be dug every time one gets full. They can be susceptible to failure/overflowing during floods. Other disadvantages can be overcome by proper design, construction and usage. For example, if the superstructure is not properly constructed, it may discourage use of the latrine by family members. Children may be discouraged from using the latrine if the slab is not designed with them in mind and is too big for them. Suitability and appropriateness to the remote rural areas where the schools are located and there is no adequate water supply. Some of the benefits of the alternating double pits include:

- The human excreta alternating double pits will allow the excreta to drain, degrade and transform into a nutrient-rich, safe humic material that can be used to improve soils.
- They avoid contamination of surface water and top soil if properly installed and maintained.
- They can be constructed with minimum cost using local material and local skills.
- The presence of properly constructed slabs will allow easy cleaning and avoid flies and unsightliness.

### **3.3 Negative Impacts.**

The negative or adverse impacts of this project at the implementation stage are as follows:

- Waste generation and poor disposal of construction rubble
- Health risks such as outbreak of diseases due to for example:
  - poor hygiene resultant from possible contamination/pollution of especially downstream ground/well water if the latrines are not well located
  - fumes and foul smell from poorly maintained pit latrines
- Risk of accidents of young children falling into pit latrines due to unsupervised usage or poor construction quality
- During site preparation and construction, work noise will be generated due to construction related work. During school hours this may disturb classroom activities and residents living close to the construction site.
- Dust generated during clearing and construction work can cause difficulties for students who have respiratory problems and become a nuisance during school hours. Soil/ gravel kept for long periods without proper cover can generate dust and become an inconvenience during school hours and for surrounding residents. Transportation of materials to the site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.
- Transportation of construction material to and from the site will likely create disturbances during school hours and can cause injury to children and increase traffic congestion in the area.
- Possible distraction of regular movement where walking through the schools by the community is a norm for different reasons including the availability of a communal water source or where the playground is used for a local team
- Risk of accidents in cases where the walkways pass through the school site
- Pit latrines may also fill up very fast (as the urine cannot escape the pit) which may result in high costs to empty and maintain the latrine.
- Threat of school infrastructure insecurity due to exposure of unprotected school premises to trespassers may arise

- Discontent at community level owing to the challenges of community level recruitment of unskilled labour may be generated.
- Escalation of threat to insecurity due to exposure of the school premises to trespassers
- Injuries from accidental discharge of construction materials during transportation to site
- Safety of workers, community workers, school children and residents is likely to be an issue. Construction related operations could generate safety risks to workers. Given that work will be on school premises, construction sites that are not cordoned off can cause potential safety hazards to students and residents who are too close to the construction site.
- There are potential risks of Gender Base Violence (GBV), and Sexual Exploitation Abuse (SEA) during the construction activities. It will be important that the Community Construction Team (CCT) has a Code of Conduct for the construction activities in order to avoid this type of risk during construction.
- Occupational Health and Safety risks associated with lack of adequate occupational, health and safety measures used on site including lack of personal protective equipment (PPE); and
- Labor and working conditions – compliance with national laws including ILO conventions, collective bargaining agreements, employment practices and risks of labor standard violations.

### **3.4 Mitigation Measures**

Necessary and specific mitigation measures to the identified adverse impacts are described in the ESMP matrix presented in section 4



## **CHAPTER 4: INSTITUTIONAL FRAMEWORK APPLICABLE TO THE PROJECT**

### **4.1 Institutional Arrangements:**

Community Based School Construction (CBSC) implementation will be aligned to the project – wide implementation framework and arrangements outlined in the Project Implementation Manual (PIM). Under the PIM framework, MoET departments are in charge of implementation of the respective components or subcomponents, under overall project oversight responsibility of the Department of Planning supported by the Project Facilitation Unit (PFU) in the areas of coordination, financial, procurement and M&E.

In line with the said framework, while there may be several stakeholders in the Community Based School Construction endeavor, EFU shall, as the department responsible for overall construction, lead the new component under which CBSC shall be undertaken. Director EFU shall therefore be the Component Manager, while Senior Quantity Surveyor shall be the focal person for CBSC at EFU.

EFU, Inspectorate, Technical firm are the key units/sections/departments/entities, with their respective roles for implementation of the CBSC highlighted below:

#### **4.1.1 Inspectorate Department**

Within the context of its overall schools' supervision role, the Inspectorate shall be responsible for oversight function on the activities undertaken by amongst others, the school Boards at schools' level. Inspectorate will provide linkage between EFU and the School boards and other stakeholders including Projects Facilitation Unit. The Inspectorate will therefore play a central coordination role of harmonizing the technical aspect of the project with the soft issues of operation. This therefore will allow for the School boards to be in a position to monitor and report on progress on environment and social impact mitigation from a layman's perspective

#### **4.1.2 Education Facilities Unit (EFU)**

This unit is responsible for civil works technical aspects and associated activities of the MOET. Therefore, it shall have an overall supervisory role in the implementation of the Community Based School Construction programme. It shall be responsible for:

- Preparation of the motivation to engage a design and construction supervision consulting firm to review and update the construction designs and drawings for classrooms, latrines, and other associated structures, and to supervise the construction works. These designs have to be cognizant of the need for provisions to avoid negative environmental impact and also mitigate the likelihood of negative social impacts.
- Support and ensure that there is an ESMP Training and Capacity Building plan for all the sites and that the training activity is a pre-requisite for school construction in any form. This will include making sure that there is a training plan in place developed by the firm and that the firm has also developed training manuals which will also be reviewed by the EFU.
- Ensure procurement and delivery of dust-bins and first aid kits at the sites
- Preparation of the Terms of Reference for such a design and construction supervision consulting firm. The EFU will ensure that the ToRs developed include as part of key requirements, provision of Environmental and Social impacts mitigation plan/strategy.
- Supervision of the selected consulting firm on the management of ESMP activities as well reporting.
- Confirmation of the scope of construction works for each of the selected schools including adherence to Environmental and Social Impact Management Plan for each school.
- Reviewing and approving the rates recommended by the Consultant for payments to the artisans, laborers, watchmen, transporters of locally available materials, and any other pertinent service provider.

#### 4.1.3 Consultant:

The Consultant shall be a consulting firm or association of consultants in the construction industry with the following skills mix:

- Architect
- Structural/Civil Engineer
- Services Engineer
- Quantity Surveyor
- Land Surveyor
- **Environmental and Social Officer** to assure the compliance of the social measures including in the ESMP during the project implementation. This specialist will work close to the Construction Community Committees (CCC) and Construction Team (CCT) in case of any complains.

This Consultant shall be engaged through a competitive and transparent procurement process as stipulated elsewhere in this manual.

The main tasks of the Consultant shall amongst others include:

- To review, update and improve the designs, drawings and specifications utilized by the EFU for construction of classrooms, latrines, and other associated works.
- To develop Environmental and Social Impact checklist to be utilized at each site.
- To develop acceptable markets labour rates for mining or assembling or collecting locally available materials such as rubble stones, sand, hardcore and water for building purposes for each site.
- To closely supervise the construction works by deploying an appropriately qualified Clerk of Works at each site who shall: (i) monitor the works daily, and (ii) provide support to the Community Construction Committees (CCC) and Community Construction Team (CCT) as necessary.
- To conduct the monthly site meetings and submit formal progress reports to the Client reflective works progress on site including challenges that may be occurring or encountered.

- Explore the possibility of parameter fencing around the school and the possibility as well of engaging the services of security personnel for night time surveillance. This can also be explored with other options that may be easily viable.

#### **4.1.4 Procurement Unit (PU):**

With the technical support from the Procurement Specialist, this unit is tasked with the responsibility of handling all the procurement activities of the LEQEP in accordance with the rules and regulations stipulated in the Financing Agreement and other project supporting documents. For the Community Based School Construction, PU's responsibilities are summarized thus:

- Ensure Environmental & Social specifications in all construction contracts
- Carry out due processes to enable contract award and compilation of the contract(s).
- Management of the supplier(s) contract(s) and keeping auditable construction materials inventory and all pertinent procurement documents for each site.
- Ensure that recruitment of the CCT by the CCC (assisted by the Consultant and EFU) is carried out transparently.

#### **4.1.5 Project Facilitation Unit (PFU):**

Consisting of the Project Coordinator, Project Officer, M & E Specialist, Finance Manager, and Procurement Specialist, and notwithstanding the respective duties of these individuals, the PFU shall within the context of the existing project implementation arrangements, continue to support and strengthen the Ministry's implementation capacity in the areas of Coordination, Financial management, Monitoring and Evaluation and Procurement.

The M&E Specialist within the PIU is the focal point for environmental and social safeguard related issues and assures the compliance of the national law and the World Bank's safeguard policies.

#### **4.1.6 PFU Finance Department:**

The Finance Department under the management of Finance Manager shall be responsible for all financial aspects concerning the Community Based School Construction. This also includes the monitoring and management of use of funds allocated to the implementation of the ESMP. It is the report from the Finance department that will provide feedback on the efficiency of the project in as far as the implementation of the ESMP is concerned.

#### **4.1.7 Citizen Engagement (CE)**

Citizen engagement values the right of citizens to have an informed say in the decisions that affect their lives. CE will therefore continue as an integral part of project implementation and this has enabled an effective two-way interaction between parents, schools and governmental officials. CE will include consultation, grievance redress mechanism (GRM). A sample of grievance registration form attached in Annex 3.

#### **Grievance Redress Mechanisms**

##### **Definition of Grievance**

Any query, call for clarification, problems, concerns raised by individuals or groups related to activities undertaken or processes applied by the project. These when addressed are expected to ensure support, results and sustainability of project activities. The goal is to create an avenue to prevent and address potential adverse environmental and social impacts emanating from project activities.

##### **Objectives**

- To amicably resolve grievances raised by Aggrieved Parties (APs) during project implementation
- To ensure successful and timely completion of projects, without creating adverse environmental, social and health conditions on the community.

## **Scope**

The grievance mechanism applies to all project activities to be financed by the original project activities and the additional financing activities. It includes issues related to environmental, involuntary resettlement and social issues in that come up during project implementation.

The scale and scope of potential resettlement impacts of the SEIP is minimal, and the pre-screening conducted by the MoE on site selection reduces potential negative social impact. However, regardless of the scale and scope of involuntary resettlement of the SEIP, it will inevitably give rise to grievances among the affected population over general issues related to the project (including broader social and environmental). Timely redress of such grievances is vital to the satisfactory implementation of land acquisition and to completion of the project on schedule.

The Project Management Team and the District Education Oversight Committee install a Grievance Mechanism that will allow project-affected affected persons who have any project related issues in affected communities. The GRM will insure that procedures to lodge a complaint, provide feedback on the project and that grievances are addressed in a timely and satisfactory manner. The office of the District Physical Planning Officer will be the designation point, and the Planning Officer and his deputy will be the responsible officers. A complaint form will be available for any aggrieved person(s), who will be assisted to complete the complaint form in copy, sign and submit a copy to the office. (S)he will keep the other for reference. The DEOC will receive and review all complaint forms. Arbitration shall be an option for grievance redress, as per the Arbitration Act, 1980 and aggrieved persons shall be allowed to name up to a maximum of two arbiters from the community to join the DEOC in addressing disputes.

Should an aggrieved person not have confidence in, or not be satisfied by the outcome of the arbitration process, (s)he reserves the right to take the matter up to a court of competent jurisdiction for redress. To facilitate this process, the GRM will be at three levels: community, district and national level. Even though the district level is likely to be

the main recipient of complaints, provision has been made to spread access to the use of the mechanism to the community and the national level.

Details are as follows:

### **The Grievance Redress Committee**

The following arrangements are outlined for the levels of grievance committees and the procedures to be followed. There shall be a grievance redress committee at the community, district and national levels as follows:

#### **Community level**

The Chief, Youth Leader, Women's Leader, Chairman of the PTA (where applicable), Assembly member and an NGO known in the community will constitute the committee.

#### **District level**

The Planning Officer, District Engineer, District Education officer (DEO) Civil Society representative, District Security official will constitute the committee. Overall responsibility is on the DEOC

#### **National level**

The Ministry of Education and Training, Ministry of Tourism, Environment and Culture, Project facilitation Unit, Ministry of Forestry, Range and Soil Conservation, Ministry of Local Government and Chieftainship Affairs.

Once constituted, each committee shall appoint/designate a registrar to handle the processing of complaints as detailed below. The Project Implementation Committee will have overall responsibility for coordination.

### **Grievance Redress Procedure**

Generally, affected people can lodge complaints at the district which should properly receive and document for onward action. In order to streamline the process, the following structure is proposed:

- i. Community Level: Complaints may be submitted to any member of the community level representatives which will be recorded/filed and discussed at an agreed date for possible resolution within 7 days upon receipt of such complaints (see sample format in Annex 3; Grievance register form). The community representatives will meet at the community level- to discuss and address issues and complainant informed of outcome of resolution.
- ii. If complaint is not resolved then it is elevated to the level of the District level. The District Education Oversight Committee receives and convenes a meeting with all representatives to address complaint or resolve the issue. At this level, it is recommended that a representative of an NGO/CBO working in the community and in good standing should be invited as an independent witness. Maximum time for resolution should not exceed 14 days.
- iii. If issue is not resolved, then DEOC informs PIC who will inform the national committee for a final resolution which could take any time between 1-3 months.
- iv. Beyond this, the complainant has the option of seeking redress at the law courts if not satisfied with outcome of resolution.

#### **4.1.8 Community Construction Committee (CCC):**

Community Construction Committees (CCC) shall be established to implement Construction activities under the guidance of Education Facilities Unit (EFU)<sup>2</sup> and the technical supervision firm. The committee shall be the School Board established under Education Act of 2010 as the school governing body shall assume the role of a Community Construction Committee. This is the committee that plays a key role for Community Based School Construction approach to be successful, as it is constituted by the people who are familiar and conversant with the challenges facing their communities in their respective areas. For the Community Based School Construction,

---

<sup>2</sup> The Education Facilities is responsible for School construction by the Ministry of Education, their role includes among others, supervision of actual works, certification of completion of works and they are also the custodians of the designs



the main duties of the CCC shall be to amongst others:

- Transparently identify and assemble members of the Community Construction Team (CCT) in numbers and caliber prescribed by the Consultant and approved by EFU.
- Ensure that the construction site is appropriately demarcated and secured so that it is not accessible by the school children, teachers, and any other persons not involved with construction works.
- Provide shelter, safety and security for the construction materials and equipment on site at all times.
- Always monitor CCT through the foreman and with the assistance of the Consultant's Clerk of Works. Any issues that arise will be recorded and reported with intent to ensure corrective action and further report on the corrective action.
- Assist EFU in monitoring the Consultant's Clerk of Works on site.
- Partake in the piloting of Mobile monitoring which is an *SMS* based activity monitoring of school level activities.
- Identify environmental and social issues that could derail the project and support project impacts and mitigation measures, awareness campaigns

#### **4.1.9 Code of Conduct:**

Each CCT will have a Code of Conduct. All the CCT teams will be trained on this Code of Conduct (CofC). A draft general CofC for the project is provided in Appendix 4.

#### **4.1.10 Community Construction Team (CCT):**

This is the team of artisans and labourers that shall be identified and appointed by the CCC with the assistance of EFU and the Consultant for each site. As a minimum, the team shall consist of:

- Bricklayer
- Steel-fixer
- Carpenter
- Labourers

The Community Construction team shall sensitize communities and implement a clearly defined labour recruitment strategy guided by the EFU, Inspectorate and the Consultant.

The required caliber and numbers per each category per site shall be prescribed by the Consultant and approved by EFU. Broadly, the responsibilities that are related to the ESMP by the CCT shall be to:

- Sensitize communities and implement a clearly defined labour recruitment strategy once briefed by the EFU, Inspectorate and the Consultant.
- Assist the CCC to ensure that the site is appropriately secured from access by the people not involved in the construction works.
- Undertake site clearance where the buildings are to be erected in accordance with the site plan.
- Agree on protocols to be followed with the Consultant's Clerk of Works for construction works supervision purposes.
- Assist CCC for maintaining building materials and equipment inventory as well as for keeping records of all the documentation concerning construction on site.
- Ensure that any excavations or pits are covered.

## CHAPTER 5: ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

The objective of this ESMP is to mitigate the adverse impacts from the planning, implementation phase. It details the identified impacts, mitigation measures, responsibility for implementation and cost amongst others. The sub-section after the ESMP matrix is the monitoring arrangement to ensure effective implementation and delivery of project development objectives.

### 5.1 ESMP and Monitoring Matrix

Impact identification	Impact Rating	Likelihood of occurrence	Mitigation measures	Method of Monitoring	Performance indicator	Responsibility		Time frame	Cost estimate (\$)
						Mitigation	Monitoring		
Waste generation and poor disposal of construction rubble	Moderate	High	Raise awareness of ensuring that the site goes back to its environmental status once all works are completed. Train School board for monitoring and ensuring corrective measures	Site inspection	-Evidence of cleanliness	EFU	School Board	Training: Before works Monitoring: Daily	

Impact identification	Impact Rating	Likelihood of occurrence	Mitigation measures	Method of Monitoring	Performance indicator	Responsibility		Time frame	Cost estimate (\$)
						Mitigation	Monitoring		
Health risks such as outbreak of diseases due to for example: <ul style="list-style-type: none"> <li>○ poor hygiene resultant from possible contamination/pollution of especially downstream ground/well water if the latrines are not well located</li> <li>○ fumes and foul smell from poorly maintained pit latrines</li> </ul>	High	Low	Include as part of site planning the proper selection of an area for toilet construction	Site inspection	Reports of periodic diarrhea outbreaks that can be linked to the latrines constructed	Site Clerk of works and School Board	EFU	Before works	
Risk of accidents of young children falling into pit latrines due to unsupervised usage or poor construction quality	High	Moderate	Provision of do not enter/do not pass signs and danger signs to ensure that the pits are protected during construction. Training of school boards to sensitise the children.	Site inspection	Number of incidents involving children around the pit (actual falls and near misses)	Site Clerk, EFU and School board	School board	Training: Before Construction  Sensitisation and monitoring: Before Construction and every day once construction works commence	
Impact identification	Impact Rating	Likelihood of occurrence	Mitigation measures	Method of Monitoring	Performance indicator	Responsibility		Time frame	Cost estimate (\$)
						Mitigation	Monitoring		

Possible obstruction of movement where walking through the schools by the community is a norm for different reasons including the availability of a communal water source or where the playground is used for a local team	Moderate	Moderate	Communication with the community through a sensitization by the school board (CCC) to observe safety guidelines	Site Progress Reports	Report of any evidence of obstruction	School Board (CCC)	EFU	Monthly	
Risk of accidents in cases where the walkways pass through the school site	Moderate	Moderate	Communication with the community through a sensitization by the school board (CCC) to observe safety guidelines	Site Progress Reports	Report of any evidence of obstruction	School Board (CCC)	EFU	Monthly	
Pit latrines may also fill up very fast (as the urine cannot escape the pit) which may result in high costs to empty and maintain the latrine.	Moderate	Low	Training for School boards on the optimal use of the current design of latrines to mitigate against such a challenge	Site Progress Reports	Report of any evidence of obstruction	EFU/Consultant	EFU	Once (at completion of latrine construction)	
<b>Impact identification</b>	<b>Impact Rating</b>	<b>Likelihood of occurrence</b>	<b>Mitigation measures</b>	<b>Method of Monitoring</b>	<b>Performance indicator</b>	<b>Responsibility Mitigation   Monitoring</b>		<b>Time frame</b>	<b>Cost estimate (\$)</b>

Threat of school infrastructure insecurity due to exposure of unprotected school premises to trespassers may arise	High	High	Engage the community (sensitization) through the school board to establish a whistle blowing system to protect school property and infrastructure.	Site Progress Reports	Report on any events of property damage and attempts	School board (with chief)	EFU	Monthly	
Discontent at community level owing to the challenges of community level recruitment of unskilled labour may be generated	High	High	Develop a clear recruitment procedure and strategy that ensures transparency and share with the board to display at public places including the school.	Project Progress Report	Availability of the recruitment strategy	EFU and school board	EFU	Prior to construction	
<b>Impact identification</b>	<b>Impact Rating</b>	<b>Likelihood of occurrence</b>	<b>Mitigation measures</b>	<b>Method of Monitoring</b>	<b>Performance indicator</b>	<b>Responsibility Mitigation   Monitoring</b>		<b>Time frame</b>	<b>Cost estimate (\$)</b>

During site preparation and construction, work noise will be generated due to construction related work. During school hours this may disturb classroom activities and residents living close to the construction site.	Moderate	Low	Selection of activities that may be deemed to be noisy to be undertaken early in the morning for combined schools or in the afternoons for Primary schools	Site Progress Report	Reports of any noise disturbances	Clerk of works and Communication Construction Team	School Board	Monthly	
Dust generated during clearing and construction work can cause difficulties for students who have respiratory problems and become a nuisance during school hours. Soil/ gravel kept for long periods without proper cover can generate dust and become an inconvenience during school hours and for surrounding residents. Transportation of materials to the site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.	Moderate	Low	Selection of activities that may be deemed to create dust to be undertaken early in the morning for combined schools or in the afternoons for Primary schools	Site Progress Report	Reports of any noise disturbances	Clerk of works and Communication Construction Team	School Board	Monthly	
<b>Impact identification</b>	<b>Impact Rating</b>	<b>Likelihood of occurrence</b>	<b>Mitigation measures</b>	<b>Method of Monitoring</b>	<b>Performance indicator</b>	<b>Responsibility Mitigation   Monitoring</b>	<b>Time frame</b>	<b>Cost estimate (\$)</b>	

Transportation of construction material to and from the site will likely create disturbances during school hours and can cause injury to children and increase traffic congestion in the area	Low	Low	Ensure limited transportation of construction material during school hours and communicate such for preparedness. Develop a safety procedure and protocol for vacating children away from activity when materials arrive and sensitize children	Site Progress Reports	Reports of any disturbances	Clerk of works and Communication Construction Team	School Board	Monthly	
Safety of workers, community workers, school children and residents may be affected due to construction sites that are not cordoned off can cause potential safety hazards to students and residents who are too close to the construction site	High	Low	Provision of do not enter/do not pass signs and danger signs to ensure that the pits are protected during construction. Training of school boards to sensitize the children.	Site inspection	Number of incidents involving children around the pit (actual falls and near misses)	Site Clerk, EFU and School board	School board	Training: Before Construction  Sensitization and monitoring: Before Construction and every day once construction works commence	
Gender Base Violence (GBV) and Sexual Exploitation Abuse (SEA) during the construction activities			Development and application of a Code of Conduct for the construction activities in order to avoid this type of risk during construction	Site Progress Reports					



Impact identification	Impact Rating	Likelihood of occurrence	Mitigation measures	Method of Monitoring	Performance indicator	Responsibility		Time frame	Cost estimate (\$)
						Mitigation	Monitoring		
Occupational Health and Safety risks associated with lack of adequate occupational health and safety measures used on site including lack of personal protective equipment (PPE)	Moderate	Low	Provision of PPE upon review of possible need	Site Progress Report	Availability of PPE	EFU	EFU	Prior to construction	
Labor and working conditions – compliance with national laws including ILO conventions, collective bargaining agreements, employment practices and risks of labor standard violations.	Moderate	Low	Adherence to national labour laws	Project progress Report	Violation rate of laws as a number of violations reported per reporting period	EFU (MoET HR Office)	EFU (MoET HR and Legal Office), PFU	Monthly	
<b>Total Mitigation</b>									<b>\$ 82,000</b>

## 5.2 Capacity Building Need and Targets

The ESMP would also include a detailed capacity building/training for all role-players and for the 20 school sites.

Here below is a breakdown of the proposed training and cost implications. Details of

Capacity Needs	Participants	Subject	Resource Person	Duration	Cost (Loti)
Environmental and Social Management in Projects	Construction supervision firm, EFU, PU, PFU, M&E, School boards representatives	project cycle and Environmental checklist (see appendix 1) process	Environment Management Consultant	1 day	
WB safeguard policies and guidelines	Construction supervision firm, EFU, PU, PFU, M&E, School boards representatives	Principles and Application of OP 4.01 and OP 4.12	Environment Management Consultant	1 day	
Sanitation and Hygiene	Construction supervision firm, EFU	Preparation and Implementation of Waste management	Environment Management Consultant	1 day	
Total (Capacity Building)					407,514

the capacity building plan are contained below:

### 5.3 Summary of ESMP cost for the 20 sites (schools)

Item	Responsibility	Cost Estimate(N)	Cost Estimate in (USD)
Mitigation & monitoring	Consultant firm, EFU, PFU	497, 904	36,080
Training & Capacity Building	Consultant	407, 514	29, 530
Sub-Total		905,418	65, 611.
Management (10%)	EFU	113,160	8, 200
Contingency (10%)		113,160	8, 200
Total		1,131,800.00	82,000

### 5.4 Overall presentation of the budget for school construction

Overall LEQEP Estimated school construction costs				
	Qty	Loti Estimate per quantity	Total Loti estimate	Total USD estimate
Classrooms	63.00	425,000.00	26,775,000.00	1,940,217.39
Furniture	63.00	50,000.00	3,150,000.00	228,260.87
Latrine Sets	19.00	600,000.00	11,400,000.00	826,086.96
Sub Total			41,325,000.00	2,994,565.22

Consultants fee @ 3.5%			1,446,375.00	104,809.78
Playfields	5.00	500,000.00	2,500,000.00	181,159.42
ESMP	20.00	56,590.00	1,131,800.00	82,014.49
Total			46,403,175.00	3,362,548.91

Note: The budget for capacity building as identified will serve for implementing projects and not necessarily repetitive.

### **5.5 Integration of the Project into the Overall Project.**

To ensure that the ESMP is integrated into the overall project, once approved its activities shall be included in the annual planning tools developed for the project to secure funding. These include annual work plans and budgets, procurement plans, project reporting activities and training plans.

## APPENDIX 1: ESMP CHECKLIST

ITEM	N/A	Applicable	In progress	Complete
Environment				
Preparatory phase				
Is a Copy of the ESMP available at the school as well as all data collection tools				
Has training on the ESMP been done?				
Relevant personnel been appointed?				
Drainage				
Is run-off from the camp site adequately controlled and mediated?				
Are pollutants from the camp site reaching the environment?				
Access Roads				
Are access roads properly constructed?				
is there any damage to any of the roads?				
Have public roads not been damaged by the construction vehicles?				
Solid waste management				
Is waste properly disposed of?				
Are there sufficient waste bins?				
Are the waste bins covered?				
is the waste collection area clearly marked and demarcated?				
is waste being disposed of/collected in an appropriate manner?				
Noise pollution				
Are standardized operating hours being adhered to?				
Have there been any complaints relating to noise?				
Dust Control				

<b>ITEM</b>	<b>N/A</b>	<b>Applicable</b>	<b>In progress</b>	<b>Complete</b>
is dust a problem?				
Have appropriate measures been undertaken to reduce dust problem?				
Are erodible material covered, either in storage or while in transit?				
<b>Aesthetics</b>				
is the site visually acceptable?				
<b>Fauna</b>				
Have there been any occurrences of rare or endangered species?				
How were the occurrences dealt with?				
<b>Flora</b>				
Have there been any occurrences of rare or endangered species?				
How were the occurrences dealt with?				
Has any existing or surrounding infrastructure been damaged?				
<b>Archeology/heritage</b>				
Have any heritage remains been uncovered?				
How were the occurrences dealt with?				
<b>Existing infrastructure</b>				
Has any existing or surrounding infrastructure been damaged?				
Have any complaints from stakeholders and surrounding communities been received?				
<b>Environmental Education and awareness</b>				
Have staff been given EE and awareness training?				
<b>Soil Erosion</b>				
Has appropriate grass species been planted on affected areas?				
<b>Record-keeping</b>				

<b>ITEM</b>	<b>N/A</b>	<b>Applicable</b>	<b>In progress</b>	<b>Complete</b>
Has the responsibility matrix in the ESMP been updated?				
Has a photographic record of environmental management and environmental issues been kept?				
Have the key environmental performance indicators been updated?				
<b>Occupational Health and Safety</b>				
<b>Health and safety Policy</b>				
Is there a health and safety policy in place?				
<b>Health and safety Plans</b>				
Is there a health and safety plan developed by the contractor?				
Is the plan approved by the Client?				
<b>Demolition: Preparatory Operations</b>				
Has coordination with the relevant authorities been undertaken?				
Are public pedestrian protections been provided?				
Are there any hazardous materials encountered during site preparation?				
Have the hazardous waste material been disposed of properly?				
<b>Site Access and Use</b>				
Is access to the site controlled to limit unauthorized individuals?				
In cases of large project sites, have the sites been fenced?				
Is access to the existing buildings clear?				
<b>Hazardous Materials</b>				

<b>ITEM</b>	<b>N/A</b>	<b>Applicable</b>	<b>In progress</b>	<b>Complete</b>
Are all storage containers clearly marked?				
Are hazardous substances being stored in appropriate containers?				
Are safety and danger signs easily visible (for areas such as pits for latrine construction)?				
Is the hazardous substance control sheet up-to-date?				
<b>Fire Protection/Life Safety</b>				
Are there fire extinguishers on site?				
Are the fire extinguishers accessible and easy to use?				
Is open burning done on site?				
Is smoking allowed in buildings?				
<b>Alcohol and substance abuse</b>				
Have the staff been warned against substance abuse during working hours?				
<b>Biological hazards</b>				
is liquid waste pretreated before disposal?				
<b>Ablutions</b>				
Are potable toilets sufficiently secure and tied down?				
Are the toilets clean and hygienic?				
Is sufficient toilet paper available?				
Is waste from ablutions being handled properly?				
Is grey water being disposed of correctly?				
Are the toilets within 100m of a natural water body or water course?				
<b>Community Health and Safety</b>				
Has Safety of children (learners) and general public/pedestrians been taken into account				
Is the signage clearly displayed?				



<b>ITEM</b>	<b>N/A</b>	<b>Applicable</b>	<b>In progress</b>	<b>Complete</b>
Is there a visitor's book?				
<b>Public participation</b>				
Is there a structure for engaging communities?				
Has there been any consultations with interested and affected parties?				
Is there a record of interaction/consultation?				
Have any complaints by the communities or stakeholders been received?				
If complaints have been received, have they been addressed?				
Have any claims for damages been submitted?				
If a damage claim has been submitted, has it been addressed and resolved?				
<b>Gender</b>				
Has the recruitment policy included equal opportunity clause?				
Are there ablution facilities for different gender groups?				
Are data disaggregated by gender?				

## **APPENDIX 2. CHANCE FINDS PROCEDURES**

### **Introduction.**

Chance Find Procedures outline what needs to be done when projects come across archaeological sites, historical sites, remains and objects, including graveyards or individual graves during excavations or construction. This procedure responds to OP/BP 4.11- Physical Cultural Resources. This Policy addresses physical cultural resources which are defined as movable or immovable objects, sites, structures that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings and may be above or below the ground.

### **Chance Finds Procedures for LEQEP Community Based Construction at 20 Schools**

The most effective way to manage potential impacts is avoidance upfront. Since this may not be possible, the following steps will be implemented if the community-based construction stakeholders and implementers including the firm, Community Construction Team, Community Construction Committee, EFU etc. discover or are informed of archaeological sites, historical sites, remains and objects, including graveyards and/or individual graves during excavations or construction:

1. Prior to commencement of school construction, the community shall be engaged to make an input into known or probable cultural heritage such impacts to determine appropriate mitigation means
2. Since there is no Social Safeguards Specialist at the Ministry of Education and Training as implementing agency for the project, and there shall also be no cultural heritage specialist on sites, the World Bank Social Safeguards Specialist will be notified, as well as the EFU, PFU, and Planning Department and the department of Inspectorate who shall in turn notify management and appropriate departments and officers at the Ministry of Tourism, Environment and Culture
3. construction or excavation activities in the area of the chance find shall be stopped with immediate effect
4. The site or area discovered shall be delineated

5. The site or area shall be secured to prevent any damage or loss of removable objects and guarded until handed over to officers from the responsible departments in the Ministry of Tourism, Environment and Culture, who shall take over.
6. Responsible officers from the Ministry of Tourism, Environment and Culture shall be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures.
- 6 Subsequent procedures would be based on a preliminary evaluation of the findings to be performed by the archaeologists. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; those include the aesthetic, historic, scientific or research, social and economic values.
- 7 Decisions on how to handle the finding shall be taken by the responsible authorities at the Ministry of Tourism, Environment and Culture. This could include changes in the layout (such as when finding an irremovable remain of cultural or archaeological importance) conservation, preservation, restoration and salvage;
- 8 Implementation of decisions concerning the management of the finding shall be communicated in writing by the Ministry of Environment and Culture to the Ministry of Education and Training.
- 9 Construction work could resume only after permission is given from the responsible local authorities or department responsible for culture concerning safeguard of the heritage.

**APPENDIX 3. GRIEVANCE REGISTRATION FORM**

Project Grievance Register Template														
Identifiers			About the PAP					About the Complaint			Method of Resolution	Escalation	Notes	
ID	Date received	Date closed	Name & Surname	District	School name	Stakeholder (employee, parent, community)	Reporting method (F2F, suggestion box, online, social media, email, in writing, feedback forms)	Type of grievance (administrative or operational)	Root cause of the grievance (see also Explanations tab and List of Root Causes)	Outcome	If a resolution was offered please indicate 'accepted' or 'not accepted'.	Methods of resolution (optional) eg: negotiated, mediated, apology	Escalation of grievance (e.g. school board, LEQEP PIU)	

## Explanations of fields in the Grievance Register

<p><b>Type of grievance</b> (please indicate 'administrative' or 'operational')</p>	<p>Please indicate whether the grievance was classified as 'administrative' or 'operational' in nature, according to the Complaints and Grievances Procedures.</p>
<p><b>Service provider</b></p>	<p>Government or private</p>
<p><b>Root cause of the grievance</b> (if possible please choose cause from list under the Explanations tab)</p>	<p>Please name the process or type of decision that was the root cause of the grievance.</p>
<p><b>Escalation of grievance</b> (ie: School board, LEQEP PIU)</p>	<p>Please indicate if you are aware of the stakeholder pursuing the matter further through other avenues outside the PIU. If not known, indicate 'unknown'. The timelines for external reviews can be lengthy in many cases. Information in this column will only reflect what is known at the time of reporting, either via notification by the external body or stakeholder.</p>

## **APPENDIX 4. DRAFT GENERAL CODE OF CONDUCT FOR THE PROJECT Employees' Code of Conduct**

The Code of Conduct is based on International Labor Organization (ILO) and Lesotho Labor Law standards, and seeks to protect the workers who are involved in the community led school construction (classrooms, latrines and playgrounds) in the selected schools.

### **Workplace Code of Conduct**

**Preamble:** The Project Workplace Code of Conduct defines labor standards that aim to achieve decent and humane working conditions. The Code's standards are based on International Labor Organization standards and internationally accepted good labor practices.

Companies and individuals affiliated with the Lesotho Education Quality for Equality Project are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed and to implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.

The PROJECT monitors compliance with the Workplace Code by carefully examining adherence to the Compliance Benchmarks and the Principles of Monitoring. The Compliance Benchmarks identify specific requirements for meeting each Code standard, while the Principles of Monitoring guide the assessment of compliance. The PROJECT expects affiliated companies to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure on-going compliance.

The Community Construction Team will be responsible to provide orientation to employees and labors on the project workplace code of conduct. The Construction Supervision Firm in liaison Education Facilitation Unit will make sure that all members of the project are well informed about the project workplace.

**Employment Relationship:** Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.

**Non-discrimination:** No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, nationality, political opinion, social group or ethnic origin.

**Harassment or Abuse:** Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

**Forced Labour:** There shall be no use of forced labour, including prison labor, indentured labour, bonded labour or other forms of forced labour.

**Child Labor:** No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher.

**Freedom of Association and Collective Bargaining:** Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

### **Health, Safety and Environment**

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.

**Hours of Work:** The CCT shall not require workers to work more than the regular and overtime hours allowed by the law of the Lesotho. The regular work week shall not exceed 48 hours per week. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. The CCT shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours?

**Compensation:** Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate

prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the PROJECT to take appropriate actions that seek to progressively realize a level of compensation that does.



## **APPENDIX 5. MINUTES OF THE ESMP CONSULTATION**

### **Summary of deliberations for ESMP consultations in Bosco Primary School (Berea) and Likhameng Primary School (Maseru)**

The Meeting in Bosco started at 11 a.m on the 9<sup>th</sup> April 2019 and was attended by about 120 people comprising of community members, the chief, councillor, school board and school staff. The Meeting in Likhameng started at 1030 am on the 9<sup>th</sup> April 2019 attended by 43 people comprising community members, the school staff, school board members, SIP facilitator and the area chief.

The Ministry presented through the EFU the priority list made by the Ministry and how the Bosco has been selected as part of the top 20 schools in need of infrastructure. The community was also highlighted on the new community approach for school construction which the Ministry of Education and training will be piloting. The community was keen on this approach and felt that they would be appreciative of the initiative and that it would also improve ownership by the community.

It also emerged during this discussion that the school had so far been constructed by the community with support from some NGOs which demonstrates the commitment of the community.

A summary of the ESMP was also presented to the community with a specific emphasis on the ESMP and Monitoring Plan picking on the risk issues that may arise and how they may need to be addressed. The community was quite receptive on the issues and they were also requested to present their thoughts and one major factor they were concerned on was the possibility of forced marriages by the labourers from outside the community. It therefore was agreed that there has to be mechanisms in place to mitigate against this issue which so often happens in cases where there are major infrastructure projects. The community expressed that people who come to work in their areas should be engaged and briefed about the list of behaviours that are not acceptable in their communities in order to prevent this from happening.

Another discussion that was made at length was the issue of child labour and how the community is expected to mitigate against this particularly when the community

approach is used. It was further clarified that even though 18 years is conventional differentiating age for children and adults. The ILO age restriction for paid work is 15 and below. A consensus was reached therefore that this will be observed.

The Councillor and the chief further made closing remarks and they reported the communities' interest to embark on this future infrastructure project as classrooms are needed badly and also the fact that there are no latrines at all at the school for children which therefore makes life difficult at the school. The Chief in addition expressed gratitude at the Ministry of Education and Training for engaging communities which is a good approach that makes sure that all know about the good initiatives.

The community also felt that the Ministry shows that it is interested to know what the communities think of the interventions that they are implementing in the Education Sector

**APPENDIX 6 LIKHAMENG PRIMARY SCHOOL LIST OF ATTENDEES DURING COMMUNITY CONSULTATION**

**ESMP Public Consultation**

Name of School: LIKHAMENG PRIMARY

District: MASERU

Date: 9-04-2019

Participant name	Gender	Participants' Roles / Positions	Participant Signature
KHANYAPA KHANYAPA	MALE	PRINCIPAL	w. Khanyapa
LEHLOTONHO MOKOENA	MALE	<del>PRINCIPAL</del> FACILITATOR	L. Mokoena
MAMOELI KALA <sup>KE</sup> MĒ		molula setulo	M. Kalake
MaPaballo Mahomed MĒ		setho saboto	M. Mahomed
Mattharize matiyane Ntate		matthatsioa <sup>kasetso</sup> moli	M. matiyane
TAELO DILON API	MALE	MORENA DA SEBAKA	T. Dilon
'Makeloko khoeli MĒ		Motsoali	M. Khoeli
'Matebaho khoeli MĒ		motsoali	M. Khoeli
ENEEA Mosekela Ntate		setho saboto	E. Mosekela
Nthabiseng sefali MĒ		Motsoali	N. sefali
Mehoheng Khoeli Ntate		Motsoali	N. Khoeli
mamakanya RAUFA MĒ		me	M. RAUFA
Raphepe mofa <sup>na</sup> nate		motsoali	R. mofa
lekhathatsa mosi nate		Motsoali	L. Mosi
Mososi Mokakatlui Ntate		Motsoali	M. mokakatlui
Paballo Kalake Ntate		Motsoali	P. Kalake
Mahlumedny sefali MĒ		Motsoali	M. sefali
'Matebaho sefali MĒ		Motsoali	M. sefali
matokelo mosi MĒ		motsoali	M. mosi

Mamasheane Tsoku	'me	Motsoali	m. Tsoku
Mosi Maphakiso		Motsoali	M. Mosi
Madaniel Setipe	'me	Motsoali	m. setipe
Reyseusitsoe setipe	'me	Motsoali	m. setipe
Molimela mohlakane	'me	Motsoali	M. Mohlakane
Mantolo Khutlang	'me	Motsoali	M. Khutlang
Mantlao Mantsi	'me	Motsoali	M. Mantsi
Mamorape Manyamane	'me	Motsoali	M. Manyamane
Mse. isangmoseane	'me	Motsoali Mantlato	M. Moseane
Mareitumetsi	'me	Motsoali	M. Sepepana
Maphakiso	'me	Motsoali	M. Lintlang
Matnabo Matijane	'me	Motsoali	M. Matijane
Mabatang mokone	'me	Motsoali	M. Mokone
Malebeko Moosi	'me	Motsoali	M. Moosi
Malefu Moosi	'me	Motsoali	M. Moosi
Maitumeleng Mosebo	'me	Motsoali	M. Mosebo
Malisema Chaole	'me	Motsoali	m. chaole
Masebulo seti	'me	Motsoali	m. sebulo
Mamotsoha	'me	Motsoali	m. Motsohae
Mamahape Mantša	'me	Motsoali	M. mantša
Mamohlalepila Matijane	'me	Motsoali	M. matijane
Puleng Lesenyeho	'me	Motsoali	P. Lesenyeho
Kumeho Matijane	'me	Motsoali	K. Matijane
Maphomelo Polanka	Female	Ass. Kae her	M. Polanka

**APPENDIX 7 BOSCO PRIMARY SCHOOL: LIST OF ATTENDEES DURING COMMUNITY CONSULTATION**

ESMP Public Consultation

Bosco Primary

Name of School


District: ...Berea...

Date: ...09/04/19...

Participant name	Gender	Participants' Roles / Positions	Participant Signature
Thaliyane Mongali	M	Community	+ M. Mongali
Limema Seleno	M	Community	+ L. Seleno
Tumelo Senatla	M	Community	+ T. Senatla
Mochesane Molefe	M	Community	M. Molefe
Moluka Machitje	M	Community	M. Machitje
Mokarapane Taemane	M	Community	M. Taemane
Fereke Lemao	M	Community	+ F. Lemao
Sepinare Thosa	M	Community	SEP. THOSA
Seabata Sello	M	Community	S. Sello
Mpiko Phakoa	M	Community	M. Phakoa
Kellelo Machitje	M	Community	M. Machitje
Meketso Maditje	M	Community	M. Machitje
Thabo Maditje	M	Community	T. Machitje
Mosuoane Hlao	M	Community	M. Hlao
Bokang Hlao	M	Community	B. Hlao
Pheli Taona	M	Community	P. Taona
Thokoleng Nketsi	M	Community	+ T. Nketsi
Mabeki Mafereka	M	Community	M. Mafereka
Isapane Mosakale	M	Community	T. Mosakale



Participant Name	Gender	Position	Signature
1. Mathembelule Mokhothlane	M/F	Community	M. Mokhothlane
2. Maleloko Mokhothlane	F	Community	M. Mokhothlane
3. Mamamello Taosana	F	Community	M. Taosana
4. Matumisang Hlao	F	Community	M. Hlao
5. Maafela Mokhothlane	F	Community	M. Mokhothlane
6. Senatla Manaboloke	F	Community	M. Senatla
7. Matjekose Liphoso	F	Community	M. Liphoso
8. Mazitho Liphoso	F	Community	M. Liphoso
9. Maleloko Hlao	F	Community	M. Hlao
10. Majonea Molise	F	Community	M. Molise
11. Matoka Mokhothlane	F	Community	M. Mokhothlane
12. Mamohau Mokhothlane	F	Community	M. Mokhothlane
13. Mantsoana Molise	F	Community	M. Molise
14. Malehlohonolo Teemane	F	Community	M. Teemane
15. Makananelo Hlao	F	Community	M. Hlao
16. Malitsoanelo Hlao	F	Community	M. Hlao
17. Makhojane Hlao	F	Community	M. Hlao
18. Matlissetso Keto	F	Community	M. Keto
19. Maelisa NKetsi	F	Community	M. NKetsi
20. Makafleho Lemao	F	Community	X. M. Lemao
21. Mapaballo Phakoa	F	Community	M. M. Phakoa
22. Poso Sello	M	Community	X. P. Sello
23. Poloko Mpeoa	M	Community	X. P. Mpeoa
24. Makipi Shoete	M	Community	X. M. Shoete

NAME	GENDER	POSITION	Signature
Matehloa hlao	F	community	M. hlao
Matzopano Bōpa	F	community	M. Bōpa
marelumetse	F	community	m. machitje
Marethabile	F	<del>non</del> community	M. Phakoe
Ma Isipa	F	community	M. rkeane
Maofela Lemao	F	community	M. Lemao
Makutloano sella	F	community	m. sello
Machale Lemao	f	community	M. Lemao
mopontšo	f	community	m. Ramohalali
Mamathonezela	F	community	M. Bōpa
mamoleshoane	F	community	M. Hlao
mamepe	F	community	M. Phakoa
mamakara	F	community	M. Phakoa
matumo	F	community	m. khoblane
Maukhabu	F	community	m. nketsi
Makananelo	f	<del>non</del> community	m. machitje
Mamarumo	f	community	M. Marumo
Mautsabelo	F	community	M. rooA
Maletlo la	F	community	M. rooA
MalemtsheSello	F	community	M. Sello
Mahaborone Peeto	F	Chief	M. Peeto
Sesepo Booph	M	Councilor	
Thabang Kotelo	M		X
MaLofetsane Kotelo	M		+

Khoase Mafereka	M	Community	K. Mafereka
Tseko Masakale	M	Community	+ T. Masakale
Chaka Ramohale	M	Community	Chaka. Ramohale
Mohau Hlao	M	Community	Mohau Hlao
Tsehang Koto	M	Community	T. KOTO
Kutlwano Sello	M	Community	K. Sello
Leboea Taana	M	Community	L. Taana
Morapeli Mara	M	Community	M. Mara
Tseliso Nteletane	M	Community	T. NTELETANE
Thaba Mara	M	Community	T. Mara
Thibello Nketsi	M	Community	T. Nketsi
Khahliso Daemane	M	Community	K. Daemane
Phehello Molise	M	Community	P. Molise
Tseliso Mokhehane	M	Community	T. mokhehane
Mahlomola Senalla	M	Community	M. Senalla
Mokete Mokhehane	M	Community	M. Mokhehane
Elebang Shoaale	M	Community	+ E. Shoaale
Khathiso Mokhehane	M	Community	K. Mokhehane
Momotati Ntara	F	Community	M. Ntara
Malekhetlwa Hlao	F	Community	M. Hlao
Makabelo Nkeane	F	Community	M. Nkeane
Mamohlomola Marumo	F	Community	M. marumo
Tselane Senauoane	F	Community	T. Senauoane



ESMP Public Consultation

Name of School

District: .....

Date: .....

Participant name	Gender	Participants' / Positions	Roles	Participant Signature
MAMARE NTELETSANE	F	Community		M Nteletsane
MAMPHO SEHO	F	Community		Mello
MATOKA MACHITJE	F	Community		m machitje
RETHABILE MPANYANA	F	Community		R. Mpanyana
MATUMISANG MOLISE	F	Community		M. Molise
MATHATO MACHITJE	F	Community		M. Machitje
MATHMELO MOKHOTLANE	F	Community		M. Mokhotlane
MAMASHESHOE MASAKALE	F	Community		M. Masakale
MOLEBATSI TREMANE	M	Community		M. Tsemane
MOHAU MARUMO	M	Community		+
MOTHE LEMAO	M	Community		M Lemao
TUMELO MOKHOTLANE	M	Community		T Mokhotlane
LEKULA RAMOHALALI	M	Community		RamoHalali
LISHANG MARUMO	M	Community		+
RADHANG BOOPA	M	Community		R. Boopa
RAMABA RAMABA	M	Community		+
TIEHO MOTAKE	M	Community		T. Motake
MOLOA MARUMO	M	Community		+
HLAO HLAO	M	Community		H/ao

Makoae Makato	M	Teachers	<del>M</del>
Malefetsane Sello	M	Teacher	M. Sello
Lindivwe Mokhele	F	Teacher	<del>M</del>
Mashobane Mosele	F	Teacher	M. Mosele
Mosele Selemane	F	Teacher	JMS
Mamokele Tsebela	F	Teacher	M. Tsebela
Matsebeleto Nkomo	F	Teacher	T. Kesi
Thompson Koto	F	Teacher	Koto
Masikeme Mphahlele	F	Teacher	<del>M</del>
Blandina Hlao	F	Principal	M. B. Hlao
Mtsheliseng Shoaee	F	Teacher	N. Shoaee

## REFERENCES

Constitution of Lesotho 1993

Environment Act No.10 of 2008

Environmental and social management plan (ESMP) for block of 2 classrooms and VIP toilets at Arko Malle Community in Akko LGA of Gombe State (May 2016)

Labour Code Order, 1992; Supplement No. 2 to Gazette No. 5 of 22nd January 2003: Labour Code (Codes of Good Practice) Notice 2003; Supplement

Lesotho Education Quality for Equality Project Appraisal Document (May 2016)

Lesotho Education Sector Strategic Plan, 2016

Lesotho Education Quality for Equality Project Financing Agreement, 10 June 2016

Lesotho Education Quality for Equality Project Implementation Manual (PIM), 2016

Lesotho Education Act No.3 of 2010

World Bank Environmental and Social Framework, 2018

World Bank Environmental and Social Safeguard Policies