

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED
(A Government of India Enterprise)
Ministry of Railway



ENVIRONMENTAL AND SOCIAL AUDIT: GAP ANALYSIS AND ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN (ESCP)



Latitude: 28.489891
Longitude: 77.577979
Elevation: 199.96212 m
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Time: 28-01-2022 16:04
Note: New Boddakki Station



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Time: 31-01-2022 16:07
Note: EBRFC, S-303, New Pan

LABOUR MANAGEMENT PROCEDURE

APRIL 2022



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ABBREVIATIONS AND ACRONYMS

COVID-19	Coronavirus Disease 2019
CPM	Chief Project Manager
DC	District Commissioner
DFC	Dedicated Freight Corridor
DFCCIL	Dedicated Freight Corridor Corporation of India Limited
DPL	Development Policy Loan
EA	Environmental Assessment
EDFC	Eastern Dedicated Freight Corridor
ESIA	Environmental and Social Impact Assessment
ESA	Environmental and Social Assessment
ESMF	Environmental Social Management Framework
ESF	Environmental and Social Framework
ESHS	Environment Social Health and Safety
ESMF	Environmental and Social Management Framework
ESRS	Environmental and Social Review Summary
GoI	Government of India
GRM	Grievances Redress Mechanism
GBV	Gender Based Violence
IR	Indian Railways
LA	Land Acquisition
LARR	Land Acquisition Resettlement and Rehabilitation
M&E	Monitoring and Evaluation
MIGA	Multilateral Investment Guarantee Agency
MMLP	Multimodal logistics park
MOEF &CC	Ministry of Environment, Forests and Climate Change
MOR	Ministry of Railways
PAP	Project Affected Person
SEMU	Social and Environment Management Unit
SHE	Safety, Health and Environment
SOP	Standard Operating Procedure
PMC	Project Management Consultant
SEP	Stakeholder Engagement Plan
WB	The World Bank

Executive Summary

Project Description

1. Dedicated Freight Corridor Corporation of India Limited (DFCCIL) is a Special Purpose Vehicle of the Ministry of Railways (MOR), Government of India for construction, operation, and maintenance of the dedicated freight corridors across the country. The World Bank has been supporting MOR and DFCCIL since 2011 for the infrastructure development of the Eastern Dedicated Freight Corridor (EDFC). The EDFC program was financed through a series of three investment loans namely EDFC1, EDFC2, EDFC3.¹ The overall Program Objective was to “meet the growing freight and passenger demand on the eastern corridor (Ludhiana-Delhi-Kolkata) with an improved level of service; and develop institutional capacities of DFCCIL and IR to build and operate the DFC network”. At present, the construction is complete and operational in Khurja-Bhaupur section and is progressing in Kanpur Mughalsarai section (75% physical progress) and Khurja – Ludhiana (54% physical progress) section.
2. The Rail Logistics Project (RLP), through its focus on modernization of rail freight and logistics infrastructure and supporting the institutional development of the MOR and DFCCIL, will facilitate modal shift of traffic from road to rail in the freight segment as well as enable private sector investment in the rail sector. The project development objective is (i) to increase freight modal shift to safe and low carbon transport along the Eastern Dedicated Freight Corridor and (ii) to develop Dedicated Freight Corridor Corporation of India Limited as a sustainable institution to provide rail freight connectivity and multimodal logistics services. The project has three components, **Component 1:** Creation of safe and climate resilient Infrastructure to deliver multimodal transport services that will support the provision of civil works, structures, tracks and systems works to complete the EDFC sections from Kanpur to Mughalsarai, and Khurja to Ludhiana, last mile connectivity to freight terminals and terminal infrastructure. **Component 2:** Institution capable of delivering customer-oriented rail infrastructure and services that will support the continued institutional development and capacity building of DFCCIL and MOR to develop customer-oriented services to boost use of rail freight capacity and multimodal logistics infrastructure. **Component 3:** Contingent Emergency Response

Assessment of Key Potential Labor risks

3. Implementation experience of EDFC 2 and 3 indicates that the project will employ only two categories of workers. These are: i) direct workers i.e. staff of DFCCIL, ii) contracted workers such as consultants working in the HQ and CPM offices and supporting DFCCIL operations and many other consultants for work related to core functions of the project. It has presently and will also in the future have large civil works contractors who will employ construction labor. E&S implementation experiences of EDFC 2 and 3 indicated and confirmed the influx of workers and followers as important project activity with potential environmental and social impacts on local communities, as well as occupational health and safety of project workers. Based on the implementation experience of EDFC 2 and 3, RLP is likely to engage approximately 7000 Project Workers comprising approximately 200-300 direct workers /employee, 6700 contracted workers (construction labor/workers and consultants).
4. The potential risks and impacts on the workers, who are currently and would be, engaged for various construction works under RLP are: a) occupational health and safety issues Occupational Health and Safety

¹ The EDFC Program was originally conceived as an Adaptable Program Loan (APL) but the Bank was no longer using APLs by the time the second project was ready for approval.

(OHS) and or potential risks associated with a heavily unionized work force, noise levels, chemicals and hazardous wastes, lack/inadequate or inappropriate personnel protective gear; b) non-payment and disparity of wages; denial of benefits (compensation, bonus, maternity benefits etc); c) discrimination in employment contractor policies including the right to form labor unions and bargain collectively, d) discrimination based on ethnicity, gender, age, sexual orientation or any other social characteristic, e) requirements for job hazard analysis (e.g. abrupt termination of the employment, working conditions, wages or benefits etc.; f) sexual harassment at work sites or workforce camps; safety.

Applicable national legislation and ESS requirements

5. To manage and mitigate all such workers related risks and impacts, a Labour Management Procedure (LMP) has been prepared. It sets out the approach to management of labour issues in the project and meeting requirements of State and National labor law/regulations, Occupational Safety, Health and Working Condition requirements as well as the objectives of the World Bank's ESF, 2016 and specifically objectives of ESS2: Labour and Working Conditions. The project will conform to the key national and state legislations such as: Government of India's draft Code on Occupational Safety, Health and Working Conditions, 2019 (amalgamated 13 existing labour laws/acts). Other important regulations such as The Child Labour (Prohibition and Regulation) Act, 1986; The Bonded Labor System (Abolition) Act, 1976, Payment of Wages Act, 1936; Equal Remuneration Act, 1979; Minimum Wages Act, 1948; Workmen's Compensation Act, 1923 (Amended 2009); and Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and amendments, besides ILO conventions relating to Forced Labor, Forced Labour Convention, 1930. Hence, the existing State and National regulatory frameworks are largely consistent with the ESS2 requirements except in case of community workers, though adherence to the provisions by respective authorities varies. In respect of COVID situation, the SOPs issued by DFCCIL² will be applicable.

Responsible Staff

6. The primary responsibility for project implementation lies with DFCCIL HQ & field units. DFCCIL is headed by a Managing Director. There are seven field units for the Eastern Corridor with each CPM office staffed with officials overseeing construction, operations, safeguards & FM arrangements. Specifically, on safeguards/ESS, the SEMU that was established within DFCCIL will continue to be responsible for the implementation of all social and environmental issues. DFCCIL's SEMU headed by a General Manager will oversee the implementation of Environment and Social Management Framework (ESMF), adherence to Labor Management Procedure (LMP), Environment and Social Commitment Plan (ESCP), Stakeholder Engagement Plan (SEP) and Resettlement Action Plan (RAP). These activities will be undertaken by operational staff at headquarters and by field staff, supported as necessary by consultants.

Engagement and Management of Project Workers and policies and procedures

7. The contractors and sub-contractors, who will be primarily engaging the contract workers at field level will be overseen and managed by the CPM. The details about engagement and management of Project Workers based on category, their role, responsible staff and locations is elaborated in the main report.

Employment and Terms and Conditions

² DFCCIL² Standard Operating Procedure for DFCCIL Project Sites including Site Offices Post COVID-19 Lockdown, July 2020

8. The Direct /workforce/employee will be technically qualified, with age ranging between a minimum of 18 years and maximum 60 years. Similarly, the age of contract workers can be range between a minimum of 18 years and maximum 60 years. Under no circumstance, children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GOI norms. The Direct workers, engaged by DFCCIL are Government Officers, whose salary and other emoluments will be in conformity to the Rules and Regulations of Government of India. The project will also engage consultants for work related to core functions of the project. The individual consultants if hired directly by the project will be governed by the policies of Government of India and in case of any firm, the consultants will be governed by the policy of the firm. Any gap identified will be addressed in line with ESS 2. DFCCIL will ensure that under no circumstances, the contractors (including sub-contractors) working under RLP will engage child labour and forced labour (all forms) including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, inordinately long notice periods. This will be ensured through i) inclusion of CoC (Code of Conduct) in the contract documents; ii) ESHS performance requirements on handling workers and iii) regular monitoring and reporting by the CPM office and overall guidance and directions of CPM. SESMRC will continue to monitor and report these issues of forced labor and child labor.

Grievance Mechanism

9. In case of direct worker/staff/employee, the GM-HR/Admn. DFCCIL will be responsible for redressal of worker related grievances following the existing norms and LMP provisions. For contracted workers, the respective agencies/contractor is obligated under the contract to set up the GRM to redress complaints relating to workers deployed for construction works. The GRM will have representatives of CPM Office/Project Management Consultant. The GRM for the Workers will be set up during mobilisation phase of the contractor. Information relating to availability of GRM without any retribution, its institutional set up, timings and procedure for receiving complaints, mechanism of handling complaints, maximum time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be disseminated to the workers on a regular basis.

Contractor Management

10. Selection of a Contractor for civil works or consultancy firms for studies, etc. is done through an open competitive online bidding process (e-procurement) having a two stage (technical and financial) evaluation process. The ESHS (Environment, Social, Health and Safety) requirements have been specified and incorporated as special conditions and performance requirements in all bid documents of contract packages under RLP. Cost provisions for implementation of ESHS requirements have been built into item rates and 2% of contract value has been earmarked as ESHS performance security in the bidding documents of new activities. Further, the ESHS performance requirements incorporated in the bid documents obligate the contractor, upon mobilization, to prepare a Contractor's ESMP (C- ESMP), which will include mitigation and management plans for risks and impacts identified in ESIA and ESMP included in the bidding document. The C-ESMP will be reviewed and approved by the SEMU with recommendation from Project Management Consultants, prior to commencement of construction works. The approved C-ESMP will be reviewed periodically (but not more than every three (3) months) and updated in a timely manner, to address changed requirements, if any during project implementation. The monitoring of performance of contractors including the implementation of C-ESMP and meeting the ESHS performance requirements by the contractor will be overseen and managed by SEMU.

1.0 Project Description

1. Dedicated Freight Corridor Corporation of India Limited (DFCCIL) is a Special Purpose Vehicle of the Ministry of Railways (MOR), Government of India for construction, operation, and maintenance of the dedicated freight corridors across the country. The World Bank has been supporting MOR and DFCCIL since 2011 for the infrastructure development of the Eastern Dedicated Freight Corridor (EDFC). The EDFC program was financed through a series of three investment loans namely EDFC1, EDFC2, EDFC3. The overall Program Objective was to “meet the growing freight and passenger demand on the eastern corridor (Ludhiana-Delhi-Kolkata) with an improved level of service; and develop institutional capacities of DFCCIL and IR to build and operate the DFC network”. At present, the construction is complete and operational in Khurja-Bhaupur section and is progressing in Kanpur Mughalsarai section (75% physical progress) and Khurja – Ludhiana (54% physical progress) section.
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Component 1: Creation of safe and climate resilient Infrastructure to deliver multimodal transport services. This component will support the provision of civil works, structures, tracks and systems works to complete the EDFC sections from Kanpur to Mughalsarai, and Khurja to Ludhiana, last mile connectivity to freight terminals and terminal infrastructure.

- a. **Sub-component 1.1. EDFC Corridor Construction:** This subcomponent will focus on completion of design, construction, commissioning and testing of Khurja-Ludhiana section (401 kms) and Kanpur – Mughal Sarai section (393 kms) of EDFC. Engineering design review, construction, and construction supervision consulting services related to civil structure track and systems works will be financed under this subcomponent. The financing of these activities was supported by EDFC3, which closes in March 2022 and will be completed in this project.
- b. **Sub-component 1.2. Terminal and last mile connectivity:** This subcomponent will finance design, construction, commissioning and testing of civil, structure track, electrical and signaling systems work and supervision consulting to provide last mile connectivity to terminals and design, civil, electrical and systems work of terminal infrastructure at locations to be identified in future. The terminals to be financed would be selected based on the findings of terminal feasibility studies and engineering designs that are currently being undertaken by DFCCIL.

Component 2: This component will support the continued institutional development and capacity building of DFCCIL and MOR to develop customer-oriented services to boost use of rail freight capacity and multimodal logistics infrastructure. The component would finance related activities in the following areas.

- c. **Sub- component 2.1. Commercial Management: Policy development and implementation for commercial activities:**

- d. **Sub-component 2.2.** Operational Management: Safety management system:
- e. **Sub-component 2.3.** Environment Management:
- f. **Sub-component 2.4.** Training and Capacity Building:

1.1 Nature of Proposed project interventions

- 3. The proposed RLP will involve large scale construction activities to complete the EDFC sections from Bhaupur to DDU and Sahnewal to Khurja, last mile connectivity to freight terminals and terminal infrastructure. Besides, it will involve and support analytical studies and implementation support to DFCCIL, besides in capacity building activities of DFCCIL.

1.2 Purpose of Labor Management Procedure

- 4. Implementation of EDFC 2 and 3 identified potential risks and impacts on the Project Workers, who would be engaged for various construction works as well as on risks on health and safety aspects of community operating in the vicinity of these corridors and proposed terminals. In order to manage and mitigate all related risks and impacts, a Labour Management Procedure (LMP) has been prepared for DFCCIL. The LMP sets out the approach to meet all National requirements as well as the objectives of the World Bank’s Environmental and Social Framework, specifically objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2).

1.3 Overview of Labor Use on the Project

- 5. DFCCIL already has ongoing large scale civil works contracts and also will contract agencies to undertake civil works, agencies/firms to support core-functions; and other implementation support partners for implementation of RLP and these could be from anywhere within the State or other states within India.

1.3.1 Number of Project Workers

- 6. Under EDFC 2 and 3, currently approximately 7000 Project /workforce comprising approximately 300 direct /DFCCIL Employees, 6700 contracted workers (construction labor/workers and consultants). Under the proposed RLP, more numbers are expected to increase/decrease depending on construction progress and awarding of other consultancy assignments such as feasibility studies for terminals, etc. An estimate is provided in **Table 1** below:

Table 1: Estimate of Project Workers under RLP

S.No.	Type of Project Workers	Requirement in Numbers
1	Direct /employees	200-300
2	Contracted Workers	
2a)	Construction Workers	6200*
2b)	Project Management/ Construction Supervision Consultants	300
2c)	Consultants for Project Preparation and other studies (e.g. E&S Audit, SESMRC, QSAC and other feasibility study consultants)	200
	TOTAL	7000

* labor at construction site is likely to vary – decrease where construction works are closer to completion and increase at other locations, if and when works begin

1.3.2 Characteristics of Project Workers

7. Characteristics are grouped into two categories – Direct /employees and Contracted staff/Workers (Construction workers, CSC/PMC consultants and Consultants for various studies). Ensuing paragraphs present details.

Direct /employees: The Direct Workers will be the personnel of DFCCIL who are either on payroll or deputation to DFCCIL from Ministry of Railways and are stationed at HQ or various field units (CPM offices) at Allahabad, Varanasi, Ambala, Meerut and many other locations wherein terminal infrastructure will be identified in the future. These would be the level of Project Manager, Dy. Project Manager, Assistant Project Manager, SDO (Civil/Electrical) who are performing specific functions as per requirement.

The personnel and officials from other departments on deputation to DFCCIL will have age³ ranging between a minimum of 18 years and maximum 60 years. About, 10-15% of the Direct /employees are expected to be women.

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

- i. **Construction Workers:** The civil works contract packages under EDFC 2 and 3 currently employ an estimated 6200 workers, comprising professionally qualified project managers, multidisciplinary construction managers, skilled work supervisors and technicians, skilled and unskilled construction workers(labour). Among these, skilled and unskilled workers or labour constitute nearly 75-80%, whereas skilled work supervisors and technicians constitute less than 10% and the project managers and multidisciplinary construction managers constitute less than 5%.

Among the contract workers, the skilled construction workers are/will be largely migrants, belonging to other states. The unskilled contract labor are mostly sourced locally as seen in EDFC 2 and 3. Many of these unskilled workers are normally sourced through registered labor contractors, as a standard operating practice. The age of the technically qualified and or skilled contract workers can range between a minimum of 18 years and maximum 64 years, whereas the age of unskilled workers can range between 18 to 50 years and in no case it can be expected to exceed 60 years. It is possible that some of the managerial or supervisory level contract workers deployed by contractor, in exceptional cases could have a maximum age of 65 years.

About 5 % of the contract workers is expected to be women, particularly at the level of unskilled construction workers.

- ii. **Project Management (PMC):** DFCCIL has contracted PMC for the ongoing works and will also contract a PMC to assist HQ and CPM offices/field units in project implementation and construction supervision. The PMC is expected to deploy an estimated 150 workers, constituting multidisciplinary consultants/professionals over the project implementation phase ranging between 36 to 48 months. These workers will be technically qualified with a minimum age of 18 years and maximum 60 years.

³ Gol has stipulation of minimum 18 years' age for recruitment and superannuate its employees at the age of 58 years, irrespective of education and recruitment level/position (DFCCIL to check)

Some of these workers, in exceptional cases could have a maximum age of 65 years. Majority of the workers deployed by PMC will be migrants including from outside the state and country.

- iii. **Contracted Consultants:** E&S monitoring and evaluation consultants (SESMRC) and the Quality and Safety Audit Consultants (QSAC) are already working on the project. Further consultancy services such as E&S Audit for preparation of requisite ESS documents towards project preparation and other consultancy firms to prepare feasibility studies for terminals and activities under other components. The contracted consultancy firms for such studies expected to deploy an estimated 200 workers, constituting multidisciplinary consultants/professionals over the project preparation as well as implementation phase ranging between 18 to 36 months. These contracted consultants (workers) will be technically qualified with a minimum age of 18 years and maximum 60 years. Some of these workers, in exceptional cases could have a maximum age of 65 years. Majority of the workers deployed by PMC will be migrants including from outside the state and country.

1.3.3 Timing of Labor Requirements:

8. The deployment of contracted workers particularly skilled and unskilled category is directly linked to the working season (7-9 months in a year), type of project construction activities (manual or machinery based) under progress at any stretch of the project corridor. Anticipated deployment, location, duration of project workers is given in **Table 2**.

Table 2: Deployment and Location of Project Workers under RLP

S.No	Type	Numbers	Locations	Duration	Skill Level
1	Direct /Employees	100	HQ at Delhi and various CPM offices	Throughout	Executive and Supervisory /Managerial level
2	Contracted Workers				
a)	Construction Workers	6200*	from Kanpur to Mughalsarai, and Khurja to Ludhiana	Till completion of construction	Varied (Executive and Supervisory/Managerial, skilled, semi-skilled and unskilled labour)
b)	Project Management/ Construction Supervision Consultants	100	from Kanpur to Mughalsarai, and Khurja to Ludhiana	Till completion of assignment	Executive and Supervisory / Subject specialists
c)	Consultants for various studies (e.g. SESMRC, E&S Audit, QSAC, Feasibility Studies, etc)	200	HQ at Delhi		Executive Supervisor / Managerial and Subject specialists
3	Total Workers	6600			

* labor at construction site is likely to vary – decrease where construction works are closer to completion and increase at other locations, if and when works begin

1.3.4 Information on Contracted Workers:

9. DFCCIL through its CPM offices, will maintain information on engagement of contracted workers of all categories. The contractors will be contractually obligated to maintain updated information on all categories of contracted workers, especially migrant construction workers and periodically share the same with PMC, which in turn will be available with CPM offices of DFCCIL. The format for submittal of information on all contract workers will be finalised during mobilization phase of the contractor. The information database on contracted workers to be maintained by the contractor will include not limited to the following⁴
- Name and Age (to be supported by AADHAR /Voter Card)
 - Father's Name and Permanent Address
 - Marital Status and Name of the Spouse (if married)
 - Number of Children with Gender (as applicable)
 - Place of Stay of Spouse and Children during work engagement
 - Address and Contact Number (in case of any emergency)
 - Key Skills and Years of Experience
 - Work activities, Schedule, Duration of Engagement
 - Duration of Contract and Rotation Arrangements
 - Facilities Arranged by Contractor including health check-ups prior to engagement, accommodation (onsite workforce camps, with local community, transportation to work site and other facilities (to be specified by Contractor)
 - Pre-Employment Check-ups, Fitness Tests and Health Awareness Campaign for workers
10. The contractor will be obligated to consider the following from COVID-19 considerations.
- **Sensitization of all contracted workers** about COVID-19, and precautions to be taken like social distance of minimum 1.5 metre during all work situations, use of face masks or cotton cloth, maintaining safe distance, use of sanitizers and frequent washing of hands, avoid spitting in public, maintain hygiene, reporting of flu like illness symptoms, avoid use of chewing gum, tobacco in all forms, and creation of isolation/quarantine rooms, for any workers showing COVID symptoms, until shifting to hospitals, among others
 - **Minimize movement in and out of site** (*consider extending term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas*)
 - **Minimize contact with people near the site** (*including in certain cases prohibit from leaving the site for the duration of their contract, so that contact with local communities is avoided to extent possible. Move workers to site accommodation (subject to availability) where they would be subject to the same restrictions.*)

⁴as per ESF/Safeguards Interim Note: COVID-19 considerations in construction/civil works projects dated April 7, 2020

2.0 Assessment of Key Potential Labor Risks

2.1 Project Activities

11. Major construction activities are as hereunder.

- i. Track Laying, Electrification,
- ii. Site clearance activities including clearing and grubbing
- iii. Establishing of material stack yard, hot mix plant, concrete batch mix plants, workforce /labor camps as per requirements
- iv. Procurement of construction materials, stacking and transportation to work sites
- v. Construction of noise barriers, retaining walls, etc
- vi. Construction of minor and major bridges, RUPs/ROBs
- vii. Collection, transportation and disposal of all construction debris at approved locations
- viii. Restoration of borrow areas, campsites, material stack yard, hot mix plant, concrete batch mix plants, workforce camps, as per agreed upon restoration plan

2.2 Key Labor Risks

12. Following are the potential risks associated with workers/labours engaged in construction works:

- a) occupational health and safety issues Occupational Health and Safety (OHS) and or potential risks associated with a heavily unionized work force, noise levels, chemicals and hazardous wastes, lack/inadequate or inappropriate personnel protective gear;
- b) non-payment and disparity of wages; denial of benefits (compensation, bonus, maternity benefits etc);
- c) discrimination in employment contractor policies including the right to form labor unions and bargain collectively,
- d) discrimination based on ethnicity, gender, age, sexual orientation or any other social characteristic,
- e) requirements for job hazard analysis (e.g. abrupt termination of the employment, working conditions, wages or benefits etc.;
- f) sexual harassment at work sites or workforce camps; safety and security of women workforce at work sites and within workforce campsites; and
- g) absence of a grievance mechanism to redress workers grievances.
- h) potential force and/or child labor issues in the supply chain; and
- i) COVID risk.

13. The labor risk mitigation and OHS management of workers and related issues arising during construction works will be under direct control of contractors and thus have to be managed by contractors.

14. The ESHS (Environment, Social, Health and Safety) requirements under DFCCIL have been specified and incorporated as special conditions and performance requirements in all bid documents of contract packages. Cost provisions for implementation of ESHS requirements have been built into the item rates, so that contractor can perform requirements in a fair and objective manner. In addition, 2% of contract amount has been earmarked as ESHS performance security in the bidding documents. Thus, the potential bidders (contractors) will be fully aware of ESHS performance requirements and

accordingly price at the bidding stage itself. Refer Section 5-Responsible Staff and Section 10-Contractor Management for more details.

15. In respect of COVID -19: Influx of migrant workers will require additional considerations. Experience of implementation of EDFC 2 and 3 indicate that construction works will inevitably bring in migrant workers, albeit fewer when compared to locally sourced workers, from other states like Uttar Pradesh, Bihar, West Bengal, Orissa, Jharkhand and Bihar. These workers could become vectors for transmission of COVID-19 to other workers in construction project sites and nearby communities. In respect of COVID situation, the SOPs issued by DFCCIL and by respective Contractors will be applicable.
16. DFCCIL HQ and Field units/CPM Offices will ensure the contractor strictly adhere to GoI COVID -19 SOPs at all construction sites, which will cover migrant workers for pre-employment health checks including testing for COVID symptoms at approved hospitals, sensitization of all migrant workers about COVID-19, precautions like maintaining social distance of minimum 1.5 metre at work sites as well as at workforce camps, covering of face with masks/cotton cloths, use of sanitizers, frequent washing of hands, avoid spitting in public, maintain hygiene, reporting of flu-like-illness symptoms, avoid use of chewing gum, tobacco in all forms, creation of isolation/quarantine rooms for any workers reporting/showing COVID symptoms until shifting to designated COVID hospitals, controlling entry and exit from site/workplace; use of non-contact thermal scanners at entry/worker reporting points, reviewing accommodation arrangements maintain social distancing norms, providing adequate and appropriate forms of personal protective equipment (PPE) among others as part of the Contractor's labor management plan. In case of any workers reporting COVID symptoms, contractor will arrange to immediately shift such worker to temporary isolation rooms at workforce camps, until they are shifted to designated COVID care hospitals with whom contractors have tie-ups.
17. DFCCIL will ensure contractor is obligated to implement all applicable SOPs for COVID at work sites and specially covering all migrant construction workers during the mobilisation phase of the contractor, as part of the approval process of Contractor's OHSP and C-ESMP for works.

3.0 Brief Overview of Labor Legislation: Terms and Conditions

3.1 Regulatory Framework

18. The national Labor related regulations that are currently in force and applicable are summarised given in **Table 3**.

Table 3 Applicable Labour Regulations to RLP

S. No	GoI Regulations/Guidelines/ Orders	Stipulations /Terms and Conditions
1	Draft Code on Occupational Safety, Health and Working Conditions, 2019	This is a comprehensive code on Occupational Safety, Health and Working Conditions, and amalgamates 13 existing labour laws/acts relating to Safety and Health Standards, Health and Working Conditions
2	Building and Other construction Workers' (Regulation of employment and conditions of service) Act, 1996 and Rules 1998	All the establishments, which carry on building or other construction work and employ 10 or more workers are covered under this Act. Employer of the establishment is required to provide safety measures at the building or construction work and other welfare measures, such as canteens, first-aid facilities, ambulance, housing accommodation for workers near the workplace, among other benefits under the Rules.
3	Building and other construction workers Welfare Cess Act, 1996	Provides for levy and collection of a cess on the cost of construction incurred by employers to augmenting the resources of the Building and Other construction Workers' welfare Board constituted under Building and Other construction workers (Regulation of employment and conditions of service) Act, 1996
4	The Child Labour (Prohibition and Regulation) Act, 1986	This Act prohibits employment of children below 14 years of age in certain occupations and provides for regulation of employment of children in all other occupations and processes. Employment of child labour is prohibited in Building and construction industry
5	Payment of Wages Act, 1936	Lays down as to by what date, wages are to be paid, when it will be paid and what deductions be made from the wages of the workers, if any
6	Payment of Gratuity Act, 1972	Gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation, if an employee has completed 5 years of service with employer
7	Employees Provident Fund and Miscellaneous Provision Act, 1952	Provides for monthly contributions by the employer and as well as by workers with a provision as return of pension of a lump sum (principal and interest accrued) at the end of his/her service term).
8	Maternity Benefit Act, 1951	Provides for maternity leave for women, during pregnancy and after giving birth and some other benefits to women employees, in case of medical recommendation of bed rest or miscarriage etc.
9	Paternity Leave Entitlement	Provides for paternity leave for men during wife's pregnancy and after giving birth and in case of medical recommendation of bed rest or miscarriage etc for wife.

S. No	GoI Regulations/Guidelines/ Orders	Stipulations /Terms and Conditions
10	Contract Labour (Regulation and Abolition) Act, 1948	Provides for certain welfare measures to be mandatorily provided by the contractor to the contract labour.
11	Equal Remuneration Act, 1979	Provides for payment of equal wages for equivalent work to male and female workers without any discrimination against women.
12	Payment of Bonus Act, 1965	Provides for payments of annual bonus subject to a minimum of 8.33% of wages and maximum of 20% of wages.
13	The Bonded Labour (Abolition) Act 1976	An Act to provide for the abolition of bonded labour system, with a view to prevent economic and physical exploitation of the weaker sections of the people and for all matters connected there with or incidental thereto
14	The Trade Union Act, 1926	Lays down the procedure for registration of trade union of workers and employers. The trade unions registered under the Act have been given certain immunities for civil and criminal liabilities.
15	Minimum Wages Act, 1948	The Act ensures payment of minimum wages as fixed by appropriate state Government as per provisions of the Act. All employers are to pay the wages not less than the fixed Minimum Wages for the state/region/union territory
16	Workmen's Compensation Act, 1923 (Amended 2009)	Provides for compensation in case of injury by accident arising out of and during the course of employment
17	The Contract Labour (Regulation & Abolition) Act, 1970 and Rules	Applicable for every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour.
18	The Employees Provident Fund Act and Miscellaneous Provisions act, 1952	Every establishment, which engages in any industry specified under schedule 1 and in which 20 or more persons are employed are under the purview of this Act.
19	ESI Act, 1948 (Employees State Insurance Act, 1948)	Employees State Insurance Act provides for health care and hospitalization benefits for construction work force
20	Inter-state Migrant Workmen's (Regulation of Employment and Conditions of Service) Act, 1979	The inter-state migrant workers, in an establishment to which the Act becomes applicable, are required to be provided with certain facilities such as housing, medical aid, traveling expenses from home to the establishment and back etc.
21	Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 and amendments	The act provides for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

4.0 Brief Overview of Labor Legislation: Occupational Safety and Health

4.1 Government of India Policy Objectives

19. The GoI's National Policy seeks continuous improvement in Occupational Safety, Health and Working Conditions at workplaces. The policy objectives are to achieve: -

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

4.2 Regulatory Framework

20. The Government of India through the Ministry of Labour and Employment has prepared a Code on Occupational Safety, Health and Working Conditions, 2019(Draft)⁵ by amalgamating 13 existing labour laws/acts, mainly relating safety and health and working conditions, provisions of PPEs, protocols for reporting accidents, awareness and tool box meetings/guidance sessions to prevent accidents at work place, welfare provisions for employees at work sites, leave provisions and hours of work.

21. The Code duly covers Building and Other Construction Workers' to be engaged for construction works under RLP and aligns with ESS2: Labor and Working Conditions, with specific reference to Para 24 to 30 with no significant gaps.

22. In respect of COVID situation, DFCCIL had developed Standard Operating Procedures (in accordance with Ministry of Home Affairs guidelines) for COVID protocols. In addition, their current contractors too had developed and implemented detailed COVID protocols/SOPs, for their operations and the PMC undertook rigorous monitoring of these arrangements on a daily basis. Reference⁶ is made to applicable international conventions and directives for addressing health and safety issues relevant to COVID-19.

⁵The Occupational Safety, Health and Working Conditions Code, 2019 (Bill no 186 of 2019), is yet to be notified and presently under the consideration of the Parliament since Feb 2020. This is in accordance with steps initiated by GoI through the Ministry of Labour and Employment for simplification, amalgamation, and rationalization of Central Labour Laws, in tandem with 2nd National Commission on Labour. The various existing acts are being proposed to be subsumed in four major labour codes viz Code on Wages, Code on Industrial Relations, Code of Social Security and Code on Occupational Safety, Health and Working Conditions.

⁶ i) [ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#); ii) [ILO Occupational Health Services Convention, 1985 \(No. 161\)](#); iii) [ILO Safety and Health in Construction Convention, 1988 \(No. 167\)](#); iv) [WHO International Health Regulations, 2005](#); v) [WHO Emergency Response Framework, 2017](#); and vi) [EU OSH Framework Directive \(Directive 89/391\)](#)

5.0 Responsible Staff

23. The primary responsibility for project implementation lies with DFCCIL HQ & field units. DFCCIL is headed by a Managing Director. There are seven field units for the Eastern Corridor with each CPM office staffed with officials overseeing construction, operations, safeguards & FM arrangements. Specifically, on safeguards/ESS, the SEMU that was established within DFCCIL will continue to be responsible for the implementation of all social and environmental issues. DFCCIL's SEMU headed by a General Manager will oversee the implementation of Environment and Social Management Framework (ESMF), adherence to Labor Management Procedure (LMP), Environment and Social Commitment Plan (ESCP), Stakeholder Engagement Plan (SEP) and Resettlement Action Plan (RAP). These activities will be undertaken by operational staff at headquarters and by field staff, supported as necessary by consultants.

5.1 Engagement and Management of Project Workers

24. These are presented below:

Direct/employees: All Direct Workers engaged under RLP at both HQ and CPM office levels will be managed and over seen by the HQ under the Managing Director/GGM-HR

The HQ will have senior level DFCCIL or MOR personnel drafted/deputed to DFCCIL; PMC Staff supporting HQ and CPM offices and other specialist consultants supporting QSAC, SESMRC, NGOs appointed for implementation of RAP etc among others. All Direct Workers engaged at CPM offices level will be managed and over seen by the CPM.

Contracted Workers: All the Contracted Workers will be engaged by the DFCCIL HQ/CPM offices. In case of civil works, these workers would be managed by a Project-In charge, representing contractor for respective construction package. The Project -in- charge will also manage the contracted workers of sub-contractors as well as primary suppliers for respective packages. In case of consultancy services for conducting various studies, the various consultancy teams would be managed by their respective Team Leader of the consultancy firm under the directions of the DFCCIL HQ/CPM.

On all matters of contract management at field level including the engagement and management of contract workers, the Project-in charge of respective construction package will be reporting to the CPM of respective construction packages.

5.2 Engagement and Management of Contractors and sub-Contractors

25. The contractors and sub-contractors, who will be primarily engaging the contract workers at field level will be overseen and managed by the DFCCIL/CPM office under the overall guidance of the Managing Director. At the field level, every contractor will be mandated by contract to deploy one EHS officer (Environment, Health and Safety) and one labor welfare officer per construction package to oversee Workers' Supervisors, managing workers on daily basis. The sub-contractor workers will be supervised by their own supervisors and report to EHS and labor welfare officer(s) of the main contractor.

Table 5: Engagement and Management of Project Workers under RLP

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package	Provisions of LMP to be retrofitted in the on-going contracts
Direct Workers	<ul style="list-style-type: none"> All DFCCIL/MOR staff drafted at HQ All DFCCIL/MOR staff drafted at CPM Offices 	Managing Director, DFCCIL	DFCCIL HQ DFCCIL CPM Offices (various locations)	<ol style="list-style-type: none"> Ensuring that all employees are above the age of 18 years. Under no circumstance, children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GOI norms. The Direct workers, engaged by DFCCIL are Government officers, whose salary and other emoluments will be in conformity to the Rules and Regulations of Government of India. The project will also engage consultants for work related to core functions of the project. The individual consultants if hired directly by the project will be governed by the policies of Government of India and in case

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package	Provisions of LMP to be retrofitted in the on-going contracts
				<p>of any firm, the consultants will be governed by the policy of the firm.</p> <p>5. Any gap identified will be addressed in line with ESS 2.</p> <p>6. DFCCIL officials will adhere to LMP requirements of ESHS and forced labour</p>
Contracted Workers	Other specialist consultants like Social specialist/Env. Specialist,	General Manager, SEMU	DFCCIL HQ	<p>1. Consultants engaged exclusively for the project will be governed by LMP provisions.</p> <p>2. The project will also engage consultants for work related to core functions of the project. The individual consultants if hired directly by the project will be governed by the policies of Government of India as followed by DFCCIL and in case of any firm, the consultants will be governed by the policy of the firm. In case of any gap</p>

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package	Provisions of LMP to be retrofitted in the on-going contracts
				found in the policy of the firm, provisions of ESS 2 will be applicable.
	PMC Staff supporting DFCCIL	Managing Director, DFCCIL	DFCCIL CPM Offices (various locations)	Consultants engaged exclusively for the project will be

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package	Provisions of LMP to be retrofitted in the on-going contracts
				governed by LMP provisions asunder: 1. Ensuring that all employees are above the age of 18years. 2. Under no circumstance, children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per GOI norms. 3. The consultants will be governed by the policy of the firm. 4. Any gap identified between the firm's policy and requirements of ESS 2, will be addressed in line with ESS 2.
	All Managerial and professionally qualified staff deployed by Contractor	CGM	Various project sites	Under no circumstances, the contractors (including sub-contractors) working under RLP will engage child labour and forced labour (all forms) including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, inordinately long
	All Workers deployed by Contractor	CPM office	Various project sites	
	All workers of specialist agencies engaged by Contractor	CPM office	Various project sites	
	Consultancy Agencies for various studies	Managing Director, DFCCIL	HQ and various site locations	

Category of Project Workers	Project Workers by role	Responsible Staff of Department	Assignment Location/ Package	Provisions of LMP to be retrofitted in the on-going contracts
				notice periods. This will be ensured through i) inclusion of CoC (Code of Conduct) in the contract documents; ii) ESHS performance requirements on handling workers. Establishing grievance mechanism for workers Written contracts for each worker

5.3 Occupational Health and Safety (OHS)

26. The current existing civil works contracts include relevant ESHS provisions. The contractor's approved C-ESMP will be reviewed periodically (but not more than every three (3) months) and updated in a timely manner, to address changed requirements, if any during project implementation.

5.4 Training of Workers

27. The OHS plan, will be submitted by the contractor and approved by SEMU, prior to commencement of construction activities will have **procedures and protocols** for the training of workers at various stages as hereunder

- Induction training of new workers on OHS
- Toolbox meet/briefings by work supervisors on daily basis, sensitisation of workers about safety procedures at work for the day
- Briefing on safety at work procedures, prior to commencement of any new activity/tasks
- Periodic tail gate sessions to review and refresh site protocols on safety procedures at work
- Response and reporting in case of injuries and/or incidents related to safety at work
- Periodic health check-ups and encourage to report occupational health issues
- Create awareness and report unsafe incidents at work, injuries including minor ones
- Awareness and mock drills about emergency response plan at worksite and reporting protocols
- Awareness and briefing on community safety, while at work
- Awareness and briefing on the GRM, specially set up redressing Grievances, without any retribution
- Mandatory use of PPEs at work and replacement of PPEs

28. The contractors will be encouraged to deploy EHS officers and work supervisors, who have undergone professional training or certified courses in OHS at workplaces from accredited institutions. Specifically, in context of COVID, DFCCIL will require Contractor's ESMP to cover aspects relating to the following:

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

5.5 Addressing Worker's Grievances

29. Contractors of ongoing civil works have established and functioning internal HR/Admin systems that look into grievances of employees and these shall continue. Contractor of respective construction packages will be obligated to set up/continue a GRM, specially to redress complaints relating to workers deployed for construction works. The GRM will have due representation of CPM Office, Project Management/Construction Supervision Consultant, Contractor, Workers and women (either from CPM office/contractor/workers) and function under CPM office. The mandate for GRM, Institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalised during the approval of C-ESMP by CPM office. DFCCIL will have an oversight of this labour GRM. The GRM for the Workers will be set up during mobilisation phase of the contractor. The GRM will also be designed to address labor-related SEA/SH

6.0 Policies and Procedures

30. Policies and Procedures are listed under the following sub-headings: i) Incidents and Accident related; ii) Occupational Health and Safety related; iii) GBV/SEAH related and iv) COVID considerations.

i) **Incidents and Accident Notifications:** The contractor will promptly notify to the CPM Office/HQ within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, a significant adverse effect on the environment, tangible cultural heritage, the affected communities, the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and including information provided by any contractor and supervising entity. Further, the CPM will appraise this to DFCCIL HQ and WB.

ii) **GBV related:** About 85% of the contract workers are anticipated to be men, and women's participation (about 5-10%) will be largely limited to unskilled category. Contractors will maintain harmonious relations with local communities by ensuring workers adhere to Code of conduct (CoC). The CoC commits all persons engaged by the contractor and Consultant firms, including sub-contractors and suppliers, to acceptable standards of behaviour. The CoC will include sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The CoC will be written in plain language and signed by each worker to indicate that they have:

- received a copy of the CoC as part of their contract;
- CoC has been explained to them as part of induction process;
- acknowledged that adherence to CoC is a mandatory condition of employment;
- understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

To mitigate potential risks related to on-site safety and GBV, the Contractor/Main contractor will undertake actions as given in **Table 6** below:

Table 6: Actions for Contractor for On-site Safety and GBV Risk Mitigation

S. No.	Action	Timelines
1	Separate, safe and easily accessible facilities for women and men in the place of work and the labour camps. (e.g. toilets should be located in separate areas, well-lit)	Throughout construction period
2	Display signs that the project site is an area where SEA/SH is prohibited.	Throughout construction period
3	Ensure Codes of Conduct are clearly understood and signed by those with a physical presence at the project site;	Upon joining
4	Train project staff on the behaviour obligations under the CoCs and Disseminate CoCs (including visual illustrations) and discuss with employees and local communities.	Periodic; every six months
5	A GRM will be designed and established to address labor-related SEA/SH	Before engaging Project workers and thereafter maintain and operate throughout Project implementation

iii) Occupational Health and Safety

The construction of track has its own challenges and add to the OHS challenges encountered during construction stage. The significance of OHS concern for workers and community would increase due to many factors that may be due to site conditions, workers or communities' awareness to OHS preventive/protective measures, provisions in contract, lack of supervision and monitoring and effective enforcement by implementing agency. The ESIA identified likely OHS challenges and scenarios during implementation of project is provided in **Table 7** below.

Table 7: Potential OHS Risks, Sources/Causes during Project Activities

Potential OHS Risk	Sources/causes
Earth Slips/ Collapse	<ul style="list-style-type: none"> ▪ Earthwork excavation ▪ Scaffoldings ▪ Slope failure ▪ Landslide
Fall, Slips (Men and Material)	<ul style="list-style-type: none"> ▪ Work at Height (bridge, slope protection) ▪ Slips (Watery surfaces due to rain) ▪ Rock fall
Health injuries	<ul style="list-style-type: none"> ▪ Hot Mix Plant, Concrete Batching Plant, Crusher sites, and operation of Roller, Graders, Loader, Cranes etc. ▪ Inadequate/poor accommodation, waste management, basic amenities, and hygiene
Bulk spillage	<ul style="list-style-type: none"> ▪ Hazardous substance / inflammable liquid storage ▪ Vehicular movement on highway

Potential OHS Risk	Sources/causes
Fire and explosion	<ul style="list-style-type: none"> ▪ Inflammable Storage Areas ▪ Gas Cylinder Storage Areas ▪ Electrical Circuits ▪ Welding / Gas Cutting Activity ▪ Inappropriate handling of Oxy Acetylene gas cylinders (LPG/DA)
Electrical Shock	<ul style="list-style-type: none"> ▪ HT line ▪ LT distribution ▪ Electrically Operated Machines / Equipment / Hand Tools / Electrical Cables
Gaseous Leakage	<ul style="list-style-type: none"> ▪ Gas Cylinder Storage Areas ▪ Gas Cylinder used in Gas Cutting / Welding Purposes
Accidents due to use of heavy machinery and vehicle movement Vehicles	<ul style="list-style-type: none"> ▪ Roller, Graders, Loader, Cranes, Trucks ▪ Workman Transport Vehicles (cars / scooters / motorcycles / cycles) ▪ Collapse, toppling or collision of transport equipment
Other Hazards	<ul style="list-style-type: none"> ▪ Cuts & Wounds ▪ Confined Space (under & inside machinery etc.) ▪ Hot Burns
Accidents and injuries	<ul style="list-style-type: none"> ▪ Unprotected work sites at narrow road, bridges and culverts sites, material storage or stockpile locations
COVID-19 Risks	<ul style="list-style-type: none"> ▪ Induction of new batch of migrant workers, possibly some of them could be symptomatic or asymptomatic COVID carrier(s) ▪ Migrant workers returning to work after visiting native places and/or hometowns, possibly asymptomatic COVID carrier and could have got infected either on way home or on way back to project site ▪ Any worker, who could have got infected from local community during visit to local market areas for purchase of some daily-needs ▪ Contracted workers that are mobile and residing in community with COVID cases ▪ Location of work site at COVID affected area with potential for interaction between project workers and infected person(s). ▪ Contact with contaminated objects

The environmental, social risks and impacts arising from implementation of RLP has been identified and will be managed through implementation of ESMP through the contractors. DFCCIL's Safety, Health and Environment Manual defines the principal requirements of the Employer on Safety, Health and Environment (SHE) for works associated with the contractor / sub – contractor and any other agency to be engaged at construction worksites. Since DFCCIL is the Principal Employer for all work men / women at all its work sites, application of DFCC's SHE Manual is mandatory for all DFCCIL contracts.

This document applies to all aspects of the contractor's scope of work, including all aspects conducted by Sub-contractors and all other agencies. It specifies that there shall be no activity associated with the contract, which is exempted from the purview of this document. OHS of workers and related issues arising during construction works will be under direct control of contractors, who will be responsible and liable for safety of site equipment, labours and daily workers attending to the construction site and safety of citizens for each work site, as mandatory measures. The requirement for the preparation of an OHS plan by Contractor, as part of C-ESMP is integrated in contract documents and is one of DFCCIL (borrower's) commitment in the Environment and Social Commitment Plan. Further, the ESMP

will be updated including management measures and contractor's responsibility to response to COVID risk. The Contractor shall be obligated to include COVID Response and Management measures in OHS plan that will be part of the C-ESMP submitted for DFCCIL approval.

In order to manage the OHS risks, the contractor is required to prepare an OHS plan, Water and Waste Management Plan, Influx management Plan, Workers camp management plan, CHS Plan, Transport (or road safety) management Plan, Quarry/borrow area management plan, establishment of GRM for labour and Site Restoration Plan among others in accordance with the GoI and/or IFC/WB/EBRD workers Accommodation guidelines. All such plans prepared by contractor will be part of Contractor ESMP (Environmental and Social Management Plan) that will be reviewed and approved by the PMC and DFCCIL, prior to commencement of construction works. The approved C-ESMP (suggested outline is given in **Annexure 1**) will be reviewed periodically (but not more than every six (6) months) and updated in a timely manner, to address any changed requirements, if any, during project implementation.

The ESHS (Environment, Social, Health and Safety) requirements have been specified in on-going/will be updated and specified and incorporated as special conditions and performance requirements, in all bid documents of contract packages. Adequate cost provisions for implementation of ESHS requirements have included in the item rates, so that contractor can perform requirements in a fair manner. Thus, the potential bidders will be fully aware of ESHS performance requirements at the bidding stage and accordingly price the bids at the bidding stage itself.

The implementation of C-ESMP and meeting the ESHS performance requirements by the contractor will be overseen and managed by the CPM Office and PMC through establishment of SEMU. The mandate, institutional arrangements, roles of responsibilities of SEMU functionaries is already documented and will further reviewed and adopted.

Under no circumstances, the contractors (including sub-contractors) working under RLP will engage forced labour(all forms) including bonded labour (working against an impossible debt), excessive restrictions for freedom of movement, inordinately long notice periods, forceful keeping/ retaining worker's identity or any government issued documents or personal belongings, imposition of recruitment fee or commission payable either directly or indirectly at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other bouncers to force or extract work from project workers, or other restrictions that compel a project worker to work on a non-voluntary basis.

This will be ensured through i) inclusion of code of conduct in the contract documents; ii) ESHS performance requirements, which include code of conduct on handling workers and iii) regular monitoring and reporting by the SEMU functionaries under PMC and overall guidance and directions of Managing Director, DFCCIL.

The contractor's OHS plan will have following specific content.

i. Hazard Identification and Risk Management:

Hazard Identification: For effective prevention of incidents and safety of workers and community, it is essential first to identify all potential hazards and risks associated with construction activities, material handling, movement/use of heavy machinery, handling of hazardous substance (like fuel, oil and

paints, gas cylinders use which are flammable in nature), electrical work and unforeseen events like COVID pandemic.

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

Hazard Risk Management: Hazards identification will be followed with pre-defined measures for its effective management for the protection of workers and community. It will cover the following.

- **Work Zone Classification:** Classify the work zone depending on risk intensity into low and high-risk areas. Define restriction for accessibility to high risk area. Only authorized persons will be permitted to move in the high-risk area. Provision will be made for adequate signage for notifying high risk areas with awareness signage about risk associated and preventive measures required. Responsibility will also be defined for ensuring adherence to restriction and cautions required for working in high risk areas. (Safety Officer, appointed for the project will be responsible)
- **Task Specific Hazard Prevention:** Procedure and guidelines will be defined as per best industry practices and legislative requirement if any applicable for task specific hazard prevention and safety such as precautions for working on height requiring which will require provision of safety belt/helmets and presence of rescuers.
- **Injury Management:** define responsibility and action sequence including availability of first aid boxes and first aid providers/attenders. Location and contents of first aid box will be defined under OSHMP.
- **PPE & Hand Tools:** detailed listing will be made under OSH Plan about nature of PPE and hand tools required and ensuring its availability. Method will also be defined for ensuring use of PPE by the workers. Provision of helmet, boots, hand gloves will be made for everyone.

ii. Staff Health & Fitness on duty:

Staff health plays major role for incident prevention. OHS plan will have provisions for medical check-ups at the time of appointment with defined periodicity for follow up check-ups. OHS plan will also list the measures for fatigue management, ergonomics, and alcohol and drugs use prevention

iii. Hygiene and Sanitation:

Adequate attention will be given for workplace and labour camp Hygiene. Provision will be made under OHS plan for availability of clean and hygiene eating place with availability of safe drinking water at workplace and labour camp. Similarly, adequate provision will be made for clean toilets with sewage treatment (provision of septic tanks), and segregated collection and safe disposal of domestic wastes.

iv. Incident and Emergency Management and preparedness:

OHS plan will define procedure for incident and emergency management including investigation of any accident and its analysis to suggest appropriate corrective/preventive actions, responding and management of COVID risks. Adequate provision will be made for the availability of First Aid,

Ambulance, Safety and Health representative and additional resources and coordination with local authority(s) to respond to COVID situation.

v. Occupational Health and Safety Monitoring:

OHS plan will define frequency of periodic monitoring for assessing its implementation effectiveness. Monitoring analysis will include calculating accident and fatality rate as well. Parameters of monitoring including health surveillance will form part of monitoring program.

vi. Communication and Consultation (Workers & community):

Awareness, consultation, and communication is very effective tool for incident prevention and panic avoidance in an emergency situation. OHS plan will define program for community consultation and communication and worker's training/awareness program. It will also list safety and health communication with key stakeholders. OHS plan will also define extent of safety signage that will be displayed at workplace and project areas.

vii. Training and Records:

Training is an integrated and essential component of effective OHS plan implementation. OHS plan will define the program of overall OHS and safety induction including site specific induction, driving safety and refreshing training.

All training records as well as records relating to incident analysis, OHS monitoring, emergency preparedness plan with emergency contact numbers, Mock drill/emergency preparedness exercise and Corrective preventive actions undertaken thereof will be maintained.

viii. Reporting

Contractor will share the OHSMP monitoring reports with PMC and at respective CPM office on quarterly basis. Any fatal accident will be reported to PMC and CPM office, DFCCIL HQ and Bank with its first investigation report within 48 hours of intimation to DFCCIL. Reporting of fatal accident will also be made to concerned state Government authorities. Corrective and preventive action compliance will be reported in the subsequent quarterly monitoring report.

ix. Responsibility

Prime responsibility of developing and implementation of OHSMP will be of the Contractor. Contractor will also ensure deployment of trained OHS officer to work site. All applicable legislation will be identified and compiled by contractor. PMC in consultation with contractor will develop OHSMP on aspects detailed above and ensure its implementation from the contractor. Contractor will share the OHS monitoring reports with respective PMC on monthly basis. The PMCs will in turn share quarterly reports on Work Progress including such plans to CPM office and DFCCIL, which in turn, will share consolidated compliance report in line with ESMP and ESCP to the World Bank. Corrective and preventive actions, where required for maintaining environment quality will be reported in the subsequent quarterly monitoring report.

COVID Considerations – DFCCIL Actions: DFCCIL will

- i. **Request details in writing from** the main Contractor of the measures being taken to address the risks (*construction contract should include health and safety requirements; the measures will be presented as a contingency plan and reflected in revisions to the project's health and safety manual- see relevant links below*⁷). This should include SOPs that cover the following aspects
 - a. Conducting pre-employment health checks
 - b. controlling entry and exit from site/workplace
 - c. General hygiene, Cleaning and waste disposal
 - d. Adjusting work practices
 - e. reviewing accommodation arrangements, to see if they are adequate and designed to reduce contact with the community
 - f. reviewing contract durations, to reduce the frequency of workers entering/exiting the site
 - g. rearranging work tasks or reducing numbers on the worksite to allow social/physical distancing, or rotating workers through a 24-hour schedule
 - h. providing appropriate forms of personal protective equipment (PPE)
 - i. putting in place alternatives to direct contact, like tele-medicine appointments and live stream of instructions.
 - j. Instances of spread of virus
 - k. Training and communication with workers
 - l. Communication and contact with community
- ii. **Request the Contractor to convene regular meetings** with the project health and safety specialists and medical staff (and where appropriate with local health authorities), and to take their advice in designing and implementing the agreed measures.
- iii. **Identify a senior person** as a focal officer with responsibility for monitoring and reporting on COVID-19 issues and liaising with competent authorities designated by the district administration or State Government authorities point
- iv. **Request for coordination arrangements**, particularly at site where there are a number of contractors and therefore (in effect) different work forces (*CPM Office could request the main contractor to put in place a protocol for regular meetings of the different contractors*)
- v. **Check with Contractors** on whether the workers are informed/encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19

⁷ For workplace-related advice, consult [WHO guidance getting your workplace ready for COVID-19; and](#) for guidance on water, sanitation and health care waste relevant to viruses, including COVID-19, consult [WHO interim guidance](#)

7.0 Age of Employment

7.1 Direct Employees

31. The Direct /workforce will be technically qualified, with age ranging between a minimum of 18 years and maximum 60 years. The direct workers drafted to RLP will be DFCCIL or MOR employees/staff on deputation, whose credentials would be duly verified by DFCCIL, at the time of recruitment itself.

7.2 Contract Workers

32. The age of the technically qualified and or skilled contract workers can be range between a minimum of 18 years and maximum 60 years, whereas the age of unskilled workers can range between 18 to 50 years and in no case it can be expected to exceed 60 years. It is possible that some of the personnel (specially consultants) deployed by PMC, in exceptional cases could have a maximum age of 65 years. The age of the personnel deployed by PMC could be verified by PMU through valid documents like AADHAR Card /Voter Card/Passport/Valid Driving License. It is possible that some of the managerial or supervisory level contract workers deployed by contractor, in exceptional cases could have a maximum age of 65 years.

33. The age of the skilled and unskilled personnel deployed by Contractor could be verified by PMC through valid documents like AADHAR Card/Voter Card/Passport/Valid Driving License. In exceptional cases, where the unskilled worker(s) are unable to produce valid age proof documents for whatsoever reason, the age could be ascertained through medical examination by competent medical authority at Government hospital at the expense of Contractor.

Under no circumstance, children less than 14 years of age will be engaged for any kind of work and is a prohibited activity as per Gol Government norms.

34. In case, it is detected by SEMU/PMC officials, contractor will be immediately issued show cause notice for termination of contract and matter will be duly reported to the district labour office.

8.0 Terms and Conditions

8.1 Specific Wages

35. Specific wages of Direct Workers: The Direct workers, engaged for DFCCIL are Government Officers, whose salary and other emoluments will be in conformity to the Rules and Regulations as issued by Department of Personnel, of GoI. In addition, consultants for specialised positions will be as per organizations' norms.

36. Specific wages of Contracted Workers: The wages of consultants/personnel deployed through PMC or other consultancy firms for various studies are contracted services and determined through two stage competitive bidding (technical and financial) procedure and determined by prevalent market rates and normally expected to be higher than state government wages. The wages of technically qualified, skilled, unskilled workers, to be engaged by the Contractor are determined by Department of Labor and Employment, subject to the provisions of Minimum Wages Act, 1948.

8.2 Work Hours and Maximum Number of Work Hours

37. The Direct workers at the HQ and CPM offices will work as per GOI Rules. The work hours for contracted workers and community workers will not be more than 48 hours per week and 9 hours per day. Any contracted or community workers, made to work in excess of the same will be entitled to wages.

8.3 Specific Terms and Conditions

38. These are as follows:

- No contracted will be required or allowed to work continuously for more than five hours unless he had an interval of rest of not less than half an hour.
- The working day of contracted workers will be so arranged that inclusive of the intervals of rest, if any will not spread over more than twelve hours on any day
- Subject to provisions of DFCCIL to add every worker will be allowed a day rest every week, which will ordinarily be Sunday, but the contractor will fix any other day of week as the rest day
- No worker will be made to work on any day, which has been notified by Central or State Government in the official Gazette as a Gazetted holiday or any day, which is declared as National Holiday.
- All categories of contract workers particularly unskilled workers can be directly engaged by the contractor or sourced through labour contractors.
- All wages to contracted workers, especially for unskilled workers are to be paid directly by the Contractor, even if the unskilled workers are engaged through labour contractors or any sub-contractors.
- Any denial in and/or untimely payment of wages to workers will render the contractor liable to an action before the relevant Labour court/Industrial Tribunals under the Legislations mentioned above.
- Conditions of employment for skilled and unskilled workers will conform to Contractor's HR Policy and National Legislation

- Under no circumstances, child labour or forced labour (in any form) shall be engaged, as these are prohibited under National and State Government Norms.
- Contractor will also be liable to be prosecuted in his personal capacity under the provisions of Indian Penal Code 1860 and other Penal legislations before criminal courts in case of gross negligence and dereliction of duty or contraventions of any such statute resulting in death or injury of the workers.
- In respect of COVID-19, DFCCIL's working would be governed by the **Guidelines vide order dated July 2, 2020**. The contractor will strictly adhere to these COVID-19 SOPs and Guidelines of DFCCIL at all construction sites, which specially cover migrant workers for pre-employment health checks, testing for COVID symptoms at approved hospitals, sensitization of migrant workers about precautionary measures like maintaining social distance (minimum 1.5 metre) at work sites and workforce camps, covering of face with masks/cotton cloths, use of sanitizers, frequent washing of hands, avoid spitting in public, maintain self-hygiene, immediate reporting of flu-like-illness symptoms, avoiding use of chewing gum or tobacco(all-forms), creation of isolation rooms for any worker reporting/showing COVID symptoms, until his/her shifting to designated COVID hospitals, controlling entry and exit from site/workplace, use of non-contact temperature scanners at entry points; ensuring accommodation arrangements to maintain social distancing norms, providing adequate and appropriate forms of personal protective equipment (PPE), among others as part of the Contractor's labor management plan.

9.0 Grievance Mechanism

9.1 GRM Provision for Contracted Workers

39. These are described below

- i. **Direct Workers/employees:** CPM will be responsible for providing guidance and advice on all worker related grievances and their redressal, in line with the State Government, Government of India Rules and Regulations and LMP provisions.
- ii. **Contract Workers:** The contractor of respective construction packages will be obligated to set up a GRM, specially to redress complaints relating to workers deployed for construction works. The GRM will have due representation of CPM office, Project Management, Contractor, Workers and women (either from PMC/contractor/workers) and function under CPM office and will hold quarterly status meeting. The mandate for GRM, Institutional arrangements, procedure for receiving complaints, time limits for redressal of complaints and escalation level for unresolved cases and resolution thereof will be finalised during the approval of C-ESMP by DFCCIL HQ. DFCCIL will have an oversight of this labor GRM. The GRM for the Workers will be set up during mobilisation phase of the contractor. The contractor will also be responsible for tracking and resolving workers' grievances and maintain records about grievances/complaints received, minutes of discussions, recommendations and resolutions made thereof and intimation of resolution of grievance to the complainant.

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

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

Likewise, for Consultancy agencies that have been contracted by DFCCIL for various studies, RAP implementation will ensure that they have established/functioning GRMs to address respective workers' concerns.

41. While these entities will have their own GRMs, DFCCIL will have oversight and the overall responsibility for ensuring the establishment and implementing the GRM for project workers. In this regard, the CPM

office will be responsible to ensure that the Contractors' have established and operationalised the contract workers grievance redress mechanism.

42. In COVID context, the nature of complaints will be particularly time-sensitive and sensitive in terms of confidentiality. Hence, Contractor should consider streamlined procedures to address specific worker grievances, which would allow workers to quickly report labor issues, such as a lack of PPE, lack of proper procedures or unreasonable overtime, and allow the workers to freely report, respond and take necessary action.
43. Overall, the Social Expert in SEMU, DFCCIL will provide implementation and capacity building support on resolving all workers grievances and will support the CPM Office/PMC in this regard. S/he will also include workers grievance status in the progress report. Grievances will continue to be received through established communication channels. Workers will also be able to submit their grievances through the district Labour Department, whose address and contact telephone numbers will be prominently displayed by contractors for the visibility of all workers at all worksites.

10.0 Contractor Management

10.1 Contractor Selection Process

44. Selection of a Contractor for civil works or consultancy firms for studies, etc. is done through an open competitive online bidding process (e-procurement) having a two stage (technical and financial) evaluation process. All the bids will be evaluated by a Bid Evaluation committee set up by DFCCIL through the pre-set evaluation criteria and only the technically qualified bids will be considered for opening of financial bids and the lowest bidder will be selected, subjected to scrutiny of financial bids.
45. All the technical bids will be evaluated for their past similar experience, financial standing, ESHS performance in past projects, technical qualifications and experience criteria for Key persons, available inventory of equipment and machinery, among others.

10.2 Contractual Provisions for Labor Management and OHS

46. The environmental, social risks and impacts including labor management and OHS issues arising from implementation of RLP has been identified and will be managed through implementation of ESMP through the contractors. The labor management and OHS of workers and related issues arising during construction works will be under direct control of contractors and will be managed by contractors. Therefore, ensuring effective management of OHS plan for contract workers by contractor(s) is core to implementation of RLP by DFCCIL.

- a. The ESHS (Environment, Social, Health and Safety) requirements under RLP will be specified and incorporated as special conditions and performance requirements in all bid documents of contract packages. Adequate cost provisions for implementation of ESHS requirements have included in the item rates, so that contractor can perform requirements in a fair and objective manner. In addition, 2% of contract amount has been earmarked as ESHS performance security in the bidding documents. Thus, the potential bidders are expected to be fully aware of ESHS performance requirements at the bidding stage and accordingly price at the bidding stage itself.
47. The ESHS performance requirements incorporated in the bid documents, obligate the contractor, upon mobilization, to prepare a Contractor's ESMP (C-ESMP), which will include impacts mitigation and management plan, environmental enhancement plan, OHS plan, labor management plan, labor Influx management Plan, workers' campsite management plan, GRM for workers', traffic management and road safety management plan, COVID-19 considerations and among others in accordance with the GoI, IFC & WB requirements. The C-ESMP will be reviewed and approved by the SEMU/PMC and DFCCIL, prior to commencement of construction works.
48. The approved C-ESMP will be reviewed periodically (but not more than every three (3) months) and updated in a timely manner, to address changed requirements, if any during project implementation.

10.3 Monitoring of Performance of Contractors

49. The monitoring of performance of contractors including the implementation of C-ESMP and meeting the ESHS performance requirements by the contractor will be overseen and managed by the CPM Office under the overall guidance and direction of Managing Director.

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

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

Annex 1

OUTLINE OF CONTRACTOR'S ESMP

1. Licensing Requirement

- 2.1 Statutory Permissions/NOC/Approvals/Labour License
- 2.2 Insurance
- 2.3 Use of approved quarry/borrow areas, if such material is required
- 2.4 Any other

2. Workforce management under COVID 19 considerations

- 2.1. Profile of work force – work activities, schedule, contract duration, workforce rotation plan, workers place of stay, workers with underlying health issues
- 2.2. Measures to mitigate risks on account of COVID 19
- 2.3. Contingency plan covering – pre-health check-up, access restrictions, hygiene, waste management, accommodation arrangements, PPE provision and usage
- 2.4. Reporting and handling of Instances of COVID 19 cases, training and communication with workers, training and SOPs on communicating and contact with community

3. Labour Influx and Labor Camp Management (if outside labour is accommodated in a labour camp)

- 3.1. Labor influx management plan (including maximizing sourcing of local labor and minimizing labor from outside the area)
- 3.2. Location of Labour Camp
- 3.3. Number of labour to be housed and duration
- 3.4. Break-up of labour workforce – male, female, children
- 3.5. Number of Units in Labour Camp
- 3.6. Source and Provision of Water and Power Connection including Drinking Water
- 3.7. Cooking Arrangement – Individual Kitchen/community Kitchen
- 3.8. Source, Type and Provision of Kitchen Fuel
- 3.9. Toilet facilities – individual/community; fixed/mobile and sewage disposal arrangement
- 3.10. Waste collection and disposal arrangement from Labour Camp
- 3.11. Identify Risk of Community Interface – any fencing/separation requirement
- 3.12. Security and general lighting arrangement

4. Resource Planning

- 4.1. Water and power requirement for works and locations
- 4.2. Need for water line or electrical wiring

- 4.3. Raw material requirement and source(s)
- 4.4. Temporary storage(s) at site and location(s) – cover/uncovered
- 4.5. Transportation route from source to storage
- 4.6. Identification of accident hotspots on village roads
- 4.7. Need for speed breakers/governors/signage

5. Pollution Prevention

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

6. Occupation Health & Safety and Emergency Management

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

7. Addressing GBV Risks

- 8.1 Preventive measures – provision of lighting, separate toilet areas for men and women, increased vigil and security arrangement for community sensitive GBV hotspots, if identified by dam authorities.

8.2 Sensitizing and awareness of labour on GBV issues including penalties and legal action against offenders

8.3 Awareness about GRM

8. Code of Conduct

9.1 Preparation of Code of conduct

9.2 Making labour aware of conduct with all the provisions, do's and don'ts, penalties for non-compliances, etc.

9.3 Displaying CoC at prominent locations

9.4 Signing of CoC by workers

9. Awareness and Training

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

10.2 Training schedule

10.3 Training records

10. Labor Grievance redressal Mechanism

11.1 Details of GRC

11.2 Process of receiving, redressing, escalation, reporting back

11.3 Consolidated statement on Grievances (segregated by non-COVID related & COVID related)