

(Approved by FPMU on September 2, 2022)

Forests for Prosperity Project (FFPP)

Labor Management Procedures (LMP)



Government of Nepal

Ministry of Forests and Environment

Forests for Prosperity Project

Federal Project Management Unit (FPMU)

REDD Implementation Centre

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Abbreviations

CHS	Community Health and Safety
COC	Code of Conduct
DFO	Division Forest Office
SDFO	Sub-Division Forest Office
ESF	Environment and Social Framework
ESMF	Environmental Social Management Framework
ESS	Environment and Social Standard
FFPP	Forests for Prosperity Project
GBV	Gender-Based Violence
GRM	Grieve Redress Mechanism
ILO	International Labor Organization
LA	Labor Act
LC	Local Community
LMP	Labor-Management Procedures
LO	Labor Office
LS	Local Stakeholders
MOFE	Ministry of Forests and Environment
OHS	Occupational Health and Safety
PLMG	Public Land Management Group
PMU	Project Management Unit
PPE	Personal Protective Equipment
PS	Primary Suppliers
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SFM	Sustainable Forest Management
WB	World Ban

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Executive Summary

The Government of Nepal (GoN) is implementing the Forests for Prosperity Project (FFPP) in Madhesh and Lumbini Province through the Ministry of Forests and Environment (MoFE). The project goal is to improve sustainable forest management, increase forest benefits, and reduce net greenhouse gas emissions in the participating municipalities. The project constitutes labor-intensive community-based Sustainable Forest Management (SFM) under various categories, public land plantations, private plantations, and nursery management. The project will create community-level forest assets and provide temporary (seasonal) employment opportunities to the beneficiary households and community groups.

The Labor-Management Procedure (LMP) aims to ensure proper management of the laborers in the project area by identifying potential labor-related risks and prescribing appropriate mitigation measures. This LMP mainly addresses legal compliance requirements as stipulated in Labor Act 2017 and Labor Rules 2018 along with the requirements of the World Bank's Environment and Social Standards (ESSs), especially ESS-2: Labor and Working Conditions and ESS-4: Community Health and Safety.

It is estimated that the project will need a total of 16,100 workers which includes 2,144 skilled, 4,006 semi-skilled, and 9,950 unskilled workers over the period of 5 years during project implementation. In addition, 124,500 Community Workers (community in-kind) are estimated to be needed for Community Based Forest Management (CBFM); and plantation activities on public and private lands including nursery management. Therefore, this LMP applies to four types of workers viz. direct workers, contracted workers, primary supply workers, and community workers. Moreover, this LMP will apply to both; full-time and/or part-time workers including national or international, male, or female workers with a minimum age of 18. The project is expected to use a large number of community workers. Hence, detailed terms and conditions for using community workers in the project activities have been discussed in this LMP.

The LMP presents the policies and procedures that will be in place to ensure that the risks identified in this LMP are addressed during project implementation. FFPP activities are small and low-cost in nature and the possibility of significant labor risks is low. Use of child and forced labor, poor occupational health and safety, possible spread of communicable diseases including COVID 19, discrimination at employment, and gender-based violence (GBV) are some concerns related to labor and working conditions. The measures essential to mitigate the identified risks as prescribed by this LMP are ensuring fair labor and working conditions, enforcing contract management, managing safety-related training/orientation for workers, particularly on workers' code of conduct (CoC) to be prepared by contractors based on the template provided in Annex 2 and as per the contract, and establishing worker's grievances, including the management of cases related GBV, among others.

The PMU along with Provincial Offices will be responsible for the implementation of the LMP. The National Project Coordinator at the federal PMU will hold the overall responsibilities for implementation, monitoring, and reporting of the labor-management procedures covering project workers, community workers, and the primary supply workers. The Social Safeguard Specialist(s) in the PMU and provincial PMUs in coordination with the Environmental Specialist(s) will be responsible for implementing the LMP. The Provincial Social Specialist(s) will hold the day-to-day operational responsibility for implementing the LMP through the field staff and reporting on its implementation. S/he will be preparing the necessary training modules and organizing training programs for the district and field staff as well as the contractors on the implementation of the LMP. The Social Specialist(s) will work closely with the Environmental Specialist(s), Procurement Expert, and Communication Specialist in implementing the LMP. The Social Specialist(s) will also coordinate with the Community

Forest User Groups (CFUGs), Public Land Management Groups (PLMGs), Divisional Forest Officer(s), and Municipality Chief Administration Officer(s) to implement the LMP effectively.

The project will establish a Grievance Redress Mechanism (GRM) specifically to receive workplace concerns and grievances from project workers. The mechanism will be accessible to all the project workers without any discrimination. Information relating to the 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 regularly. The Social Specialist(s) in the PMU and Provincial PMUs will provide overall implementation and capacity-building support for resolving all workers' grievances and will support the Project Coordinators.

The Project will identify institutions and services providers who are actively engaged in the prevention of gender-based violence, sexual exploitation, and workplace sexual harassment around project sites to refer any potential survivors to these services. Grievances related to gender-based violence will be reported through the project/contractor; the nature of the complaint will be recorded along with the age of the complainant, and relation to the project will be recorded but the issue will be referred to relevant institutions.

कार्यकारी सारांश

नेपाल सरकारले वन तथा वातावरण मन्त्रालय अन्तरगत मधेश तथा लुम्बिनी प्रदेशमा समृद्धिका लागि वन परियोजना कार्यान्वयनमा ल्याएको छ । परियोजनाले वन व्यवस्थापनमा सुधार गर्ने, वनवाट प्राप्त हुने लाभमा बढोत्तरी ल्याउने तथा सहभागि गांउपालिका तथा नगरपालिका क्षेत्रमा वन कार्वन उत्सर्जन न्यूनीकरण गर्ने लक्ष्य लिएको छ । परियोजनाले विभिन्न पद्धतका समुदायमा आधारित वन व्यवस्थापन, विरूवा उत्पादन तथा निजी र सार्वजनिक जग्गामा वृक्षारोपण जस्ता अत्याधिक श्रम प्रयोग हुने कार्यहरू समेटेको छ । यस परियोजनाले समुदायस्तरमा वनजन्य स्रोतको सिर्जना र व्यवस्थापन मार्फत संलग्न समुदाय तथा लाभग्राही जग्गाधनीहरूलाई आय-आर्जन र रोजगारीको अवसर उपलब्ध गराउनेछ ।

यस श्रमिक व्यवस्थापन पद्धति (LMP) ले परियोजनाको कार्यक्षेत्रमा श्रम सम्बन्धी सम्भावित जोखिमहरू पहिचान र उपयुक्त न्यूनीकरणका उपायहरू अवलम्बन गरी श्रमशक्ति तथा श्रमिकको उचित व्यवस्थापन सुनिश्चित गराउने छ । यस पद्धतले मुख्यतया श्रम ऐन (२०७४), श्रम नियमावली (२०७५) र विश्ववैद्विक वातावरणीय तथा सामाजिक सुरक्षा मापदण्ड (Environment and Social Standards - ESSs) विशेष गरी श्रमिकको कार्यअवस्था, सामुदायिक सुरक्षा तथा स्वास्थ्य (ESS-2 and ESS-4) मापदण्डहरूको परिपालना सम्बन्धी विषयलाई सम्बोधन गर्दछ ।

आयोजनालाई यसको ५ वर्षे कार्यावधिमा विरूवा उत्पादन, निजी तथा सार्वजनिक जग्गामा वृक्षारोपण कार्यको लागि २ हजार १४४ दक्ष, ४ हजार ६ अर्धदक्ष र ९ हजार ९५० अदक्ष जनशक्ति गरी कुल १६ हजार १ सय कामदारको आवश्यकता पर्ने अनुमान गरिएको छ । साथै सामुदायिक वन व्यवस्थापन (CBFM) को लागि करिब १ लाख २४ हजार पांचसय सामुदायिक श्रमिक (सामुहिक योगदान गर्ने वन व्यवस्थापन समूहका सदस्यहरू) सरिक हुने अनुमान गरिएको छ । समृद्धिका लागि वन परियोजनामा संलग्न हुने यी श्रमिकहरूलाई प्रत्यक्ष श्रमिक (direct workers), अनुबन्धित श्रमिक (contracted workers), प्राथमिक आपूर्ति श्रमिक (primary supply workers), र सामुदायिक श्रमिक (community workers) गरी चार प्रकारका श्रमिकमा विभाजन गरिएको छ । प्रस्तुत श्रमिक व्यवस्थापन पद्धति उल्लेखित चारै प्रकारका श्रमिक व्यवस्थापनमा लागु हुनेछ । १८ वर्ष उमेर पुगेका पूर्णकालिन, आंशिक, स्वदेशी, विदेशी, महिला तथा पुरुष सबै किसिमका श्रमिक व्यवस्थापनमा यो श्रमिक व्यवस्थापन पद्धति (LMP) लागु हुनेछ । परियोजनाले ठूलो संख्यामा सामुदायिक कामदारहरू प्रयोग गर्ने अपेक्षा गरिएको छ । तसर्थ, परियोजना गतिविधिहरूमा सामुदायिक श्रमिक (सामुहिक योगदानकर्ता) हरू व्यवस्थापन गर्नका लागि विस्तृत विधि र सर्तहरू यस श्रमिक व्यवस्थापन पद्धति (LMP) मा प्रस्तुत गरिएको छ ।

यस पद्धतिमा पहिचान गरिएका श्रम र श्रमिकसंग सम्बन्धित जोखिम र जोखिम न्यूनीकरण का उपायहरूलाई परियोजना कार्यान्वयनस्तरमा यथोचित सम्बोधन सुनिश्चित गर्ने विधि र प्रकृयाहरू प्रस्तुत गरिएको छ । समृद्धिका लागि वन परियोजना अन्तरगतका कार्यहरू स-साना तथा न्यून मूल्य प्रकृतिका भएको हुंदा कार्यान्वयनमा गम्भिर प्रकृतिका श्रमिक जोखिमहरू न्यून वा नगन्य देखिएको छ । बाल श्रमिक (Child labor) र बंधुवा मजदुर (forced labor) को उपयोग, कार्यस्थलमा लैङ्गिक तथा सामाजिक विभेद, यौन हिंसा (GVB), कार्यस्थलमा कमजोर व्यावसायिक सुरक्षा तथा स्वास्थ्य, कोभिड-१९ लगायतका संक्रामक रोगको फैलावाट जस्ता सबालहरू श्रमिक सरोकार र केहि चिन्ताका विषय हुन सक्दछन । यस श्रम व्यवस्थापन पद्धतिपमा उचित श्रम तथा कार्यवस्था र करार व्यवस्थापन (contract management) को कडाइका साथ

कार्यान्वय, कार्यस्थलमा स्वास्थ्य तथा सुरक्षा सम्बन्धी श्रमिक तालिम, सेवा प्रदायकले तयार पार्ने अनुसूची-२ मा उल्लेख भए अनुसारको श्रमिक आचार संहिता (code of conduct) को परिपालना, लैङ्गिक हिंसासंग सम्बन्धित घटना व्यवस्थापन सहितका गुनासो सम्बोधन जस्ता विषय सुनिश्चित गर्ने विधि, प्रकृया, र संयन्त्र प्रस्तुत गरिएको छ ।

यस श्रमिक व्यवस्थापन पद्धतिको कार्यान्वयन, अनुगमन, तथा श्रमिक व्यवस्थापनसंग सम्बन्धित सम्पूर्ण कार्यहरूको प्रतिवेदन गर्ने प्रमुख जिम्मेवारी राष्ट्रिय आयोजना संयोजक (National Project Coordinator) को हुनेछ । वातावरणीय सुरक्षा विज्ञसंग समन्वय गरी श्रमिक व्यवस्थापन पद्धतिको कार्यान्वय, अनुगमन तथा प्रतिवेदन गर्ने गराउने सम्बन्धित राष्ट्रिय तथा प्रादेशिक आयोजना कार्यान्वयन इकाईमा कार्यरत सामाजिक सुरक्षा विज्ञ (Social Safeguard Specialist) को कार्यजिम्मेवारी हुनेछ । निजले परियोजना कार्यान्वयनमा संलग्न जिल्ला तथा स्थलगतस्तरमा कार्यरत कर्मचारी, समुदायका सदस्य, र सम्बन्धित सेवा प्रदायकका प्रतिनिधिहरूलाई आवश्यक तालिम पाठ्यक्रमको विकास गरी तालीम कार्यक्रम समेत संचालन गर्नुपर्नेछ । सामाजिक विकास विज्ञले वातावरणविज्ञ, खरिद विज्ञ, तथा संचार विज्ञसंग संग नजिकको समन्वय कायम गरी कार्यसंचालन गर्नुपर्नेछ । श्रमिक व्यवस्थापन पद्धतिको व्यवस्थित कार्यान्वयनको लागि सामाजिक विकास विज्ञले डिभिजन वन कार्यालय, सबडिभिजन वन कार्यालय, गांउ/नगर पालिकाको कार्यालय, समुदायमा आधारित वन व्यवस्थापन समूह, सार्वजनिक जग्गामा वन व्यवस्थापन समूहसंग समेत असल समन्वय कायम गर्नुपर्नेछ ।

परियोजनाले कार्यस्थलमा श्रमिकका सरोकारका विषय र गुनासोहरू सम्बोधन गर्नका लागि गुनासो सम्बोधन विधि र संयन्त्र स्थापना गरी संचालन गर्नेछ । यो संयन्त्रमा विना भेदभाव परियोजनाका सबै कामदारहरूको पहुँच हुनेछ । प्रतिशोधरहित तरिकावाट गुनासो सम्बोधन गर्ने, गुनासो सम्बोधन प्रकृया तथा संयन्त्र, उजुरीको अधिकतम समय सिमा र समाधान हुन नसकेका मुद्दाहरूको प्रकृया र समाधानको लागि गरिएका प्रयास सम्बन्धी सूचना जानकारीहरू नियमित रूपमा सार्वजनिक गरी श्रमिकहरूबीच पुर्याइनेछ । राष्ट्रिय तथा प्रादेशिक आयोजना कार्यान्वयन इकाईमा कार्यरत सामाजिक विकास विज्ञले गुनासो व्यवस्थापन कार्यान्वयन गर्न र यस सन्दर्भमा आवश्यक क्षमता अभिवृद्धिका कार्यक्रम कार्यान्वयन र सहजिकरण गरी आयोजना संयोजकहरूलाई निरन्तर सहयोग पुर्याउनुपर्नेछ ।

समृद्धिका लागि वन परियोजनाले परियोजना क्षेत्रमा लैङ्गिक तथा सामाजिक हिंसा, यौन शोषण, कार्यस्थलमा यौन उत्पिडन रोकथाम तथा नियन्त्रणमा सकृय रूपमा संलग्न संस्था र सेवा प्रदायकको पहिचान गरी उनीहरू मार्फत त्यस्ता हिंसामा पर्नसक्ने सम्भावना भएका श्रमिकहरूलाई सुसूचित गराउनेछ । परियोजनाले नियुक्त गरेको सेवा प्रदायक मार्फत लैङ्गिक हिंसा सम्बन्धी गुनासो, गुनासोको प्रकृति, गुनासोकर्ताको उमेर र परियोजनासँग निजको सम्बन्ध सहितको अभिलेख सम्बन्धित अधिकारी वा निकायमा पुर्याउने छ ।

1. Background and Objectives

1. The Government of Nepal, the Ministry of Forests and Environment, is implementing the Forests for Prosperity Project (FFPP) in Madhesh and Lumbini Province. The project goal is to improve sustainable forest management, increase forest benefits, and reduce net greenhouse gas emissions in the participating municipalities. The project provisions necessary resources and inputs to improve natural forest management practices, and initiate, and expand private and public land plantations through technical assistance and performance-based grants in the participating municipalities. The project constitutes labor-intensive community-based Sustainable Forest Management (SFM) under various categories, public land plantations, private plantations, and nursery management. The project creates community-level forest assets and provides temporary (seasonal) employment opportunities to beneficiary households and community groups. These forest assets are further connected to private-sector forest-based enterprises, which process the forest products produced from these private and community-based forests that may require forestry-related skilled and professional technical workers.

2. This Labor-Management Procedure (LMP) developed by the Ministry of Forests and Environment (MOFE) aims to manage and mitigate such labor-related risks and impacts as stipulated in the Labor Act (LA - 2017), Labor Rules (2018), Forest Regulations (2079) and World Bank's Environment and Social Framework; particularly Environmental and Social Standard 2 (ESS 2): Labor and Working Conditions and ESS-4: Community Health and Safety. The overall objective of this LMP is to ensure that these conditions for decent work and a healthy environment are met. The specific objectives are to:

- i. Promote worker's safety and health at work
- ii. Promote fair treatment, non-discrimination, and equal opportunity for project workers
- iii. Protect project workers and provide them with accessible means to raise workplace concerns
- iv. Prevent the use of all forms of forced labor and child labor.
- v. Protect vulnerable workers
- vi. Provide access to grievance mechanism to deal with workplace concerns

2. Summary of Project Interventions

3. The project has the following four components namely:

Component 1: Policy and capacity building

Component 2: Community-based SFM and plantation

Component 3: Forest-based enterprise improvement and development

Component 4: Project governance, monitoring, and learning

2.1 Scope of the -management procedures

4. This LMP has been prepared consistent with ESS2 provisions and is adopted for the project. This LMP applies to the following types of workers and will be used to manage risks and impacts related to such workers who are directly holding technical, managerial, and other responsibilities under the project.

- i. Direct Workers: These are the people employed or engaged directly by PMU, PPMUs, municipalities, and the DFOs. There will be an estimated 260 direct workers in the project.
- ii. Contracted Workers: These are the workers employed or engaged by contractors and other third parties to perform work related to the core function of the projects, regardless of location. As there will be at least 5,000 ha of private plantations and 1,350 public land plantations, it will require an estimated 450 contracts in 50 municipalities with each contract involving about 5-15 contract

workers engaged for an average period of 15-45 days for nursery management. An estimated 15,840 workers contracted from DFOs, municipalities, private nursery operators, forest product entrepreneurs, and the CBFM group is likely required.

- iii. Primary Supply Workers: These are the workers employed or engaged by primary suppliers to the project. The supply of the goods used for small-scale constructions will be part of the contract with the local contractors who will independently procure from diverse local suppliers and supply them for project activities.
- iv. Community Workers: CFUGs, LFUGs, and PLMGs will also mobilize 1,24,500 community workers for in-kind labor contribution in the project works especially in plantations and community-based forest management activities. An estimated 110,000 households are expected to benefit from the project.

5. This LMP is relevant for the duration of the project and applies to the above workers regardless of their contract type: full-time, part-time, temporary, seasonal, or migrant workers. For contract workers, the PMU will ensure that contractors prepare separate labor management plans for larger work in line with this LMP. The contract will include a provision for preparation contract specific to the Labor-Management Plan by the contractors before the commencement of works. For smaller contracts, the specific labor-related requirements and procedures will be inserted in the contract as part of the contractors' legal obligations.

3. Overview of Labor Use in the Project

3.1 Number of Project Workers

6. Based on the information available in the Project Operational Manual, Project Appraisal Document, and current scoping of works, an estimated 1,40,600 workers (including 1,24,500 community workers) are required to implement the project over the period of 5 years (Table 3.1).

Table 3.1: Likely requirement of number and type of workers* for project components

Components	Skilled	Semi-skilled	Unskilled	Community in-kind	Total
1. Policy and capacity building	110	-	-	-	110
2. Community-based SFM and Plantations					
2.1 CBFM	1000	2000	-	117,000	12,0000
2.2 Smallholder plantation on public and private land including nursery management	500	500	5450	7,500	13950
3. Forest-based enterprise improvement and development	500	1500	4500	-	6500
4. Project governance, monitoring, and learning	34	6	-	-	40
Total	2144	4006	9950	124500	140600

Source: (FFPP PAD and POM)

* The requirement for the entire project construction period includes those workers who will be hired for intermittent assignments. The anticipated restructuring of the project and ministerial reviews may result in changes in the number and type of labor. "Civil servants that are engaged or seconded to serve in the project will remain under their existing contractual terms and are not covered by the provisions of this LMP, except on issues related to OHS, forced and child labor."

3.2 Labor characteristics

7. **Direct Workers:** Direct Workers on the project will be the most skilled technical staff and civil servants with expertise in forestry, agriculture, financial, environmental, and social fields and semi-skilled (*i.e.*, drivers, office assistants, etc). These staff will be complemented by term consultants and support workers. Direct workers will serve in the Project Management Units (PMUs) at the federal and provincial levels while participating District Forest Officers (DFOs) and municipalities will contract a variety of direct workers.

Table 3.2 Direct Workers in the Project

SN	Worker's duty base	No	Remarks
1	PMU, Kathmandu	14	Project Coordinator-1, Account Officer-1, Forest
2	PPMU Madhesh Province	13	Expert-1, financial-1, procurement-1, M and E
3	PPMU, Lumbini Province	13	specialist-1, Social Safeguard and Gender Specialist - 1, Environmental safeguard specialist-1, Admin staff-1, driver-1, office assistants-2
4	Respective DFO	60	One forest technician/1800 ha of SFM
5	Respective Municipalities	50	One forest technician/Municipality
6	PMUs, DFOs, Municipalities	110	Time and output-based
	Total	260	

8. An estimated 260 short- and long-term consultants recruited from the open market on a contractual basis and 6 seconded by the federal and provincial governments will work for the project. All the long-term consultants will be engaged in regular capacity building and technical support activities for the CFUGs, private landowners, and PLMGs, which will be on an annual contract basis. Most short-term consultants will be engaged to undertake time and output-based short-period assignments such as assessments, studies, and preparation of area-specific plans such as land use plans.

9. **Contract workers (workers at site level)** will be of the following categories:

- i. **Contract workers for nurseries:** Community-level works related to sustainable forest management, establishment and management of plantations, agroforestry, small-scale soil, and water conservation works, and nursery management will involve the engagement of skilled and unskilled labor on contract. These will be small-sized and low-cost works. The DFOs, municipalities, and communities through local contractors will engage most of these local skilled and unskilled laborers. The project is expected to have about 450 contracts in 50 municipalities with each contract involving about 5-15 contract workers engaged for an average period of 15-45 days. These low-cost, small-scale, labor-intensive works are envisaged to create productive forest assets at the community level and provide temporary employment opportunities to beneficiary households. Workers under the age of 18 will not be permitted in the implementation of the Project. Female contract workers will be encouraged with particular attention under these contracts. This will be enforced through the conditions in contract documents and orientation activities. It is recommended, to the extent possible, that all unskilled workers (including women and men) will be sourced from the project-affected communities to minimize and disincentivize influx.
- ii. **Community Workers:** Nepal's CBFM system is empowered and strengthened with necessary policy, legal, and institutional backup, bottom-up planning, gender-friendly strategies, and operational guidelines and constitutes more than 4 million households nationwide. Strong community institutions with legal rights and a clear incentive structure for income from forest

management strengthen pro-active community ownership and encourage participating communities for in-kind contributions of labor in return for the benefit they receive from the forests they manage. This project also expects similar in-kind labor contributions from CFUGs and PLMGs for the expansion and improvement of community-based forests under various categories. An estimated 1100 (600 CFUGs, 500 PLMGs, and LFUGs) contracts will be made with such communities within the project period and will be technically supported and facilitated by the direct contracted workers. The provisions related to OHS, inclusion, nondiscrimination, working conditions, and forced and child labor of this LMP will apply to community workers.

- iii. **Primary Supply Workers:** Most of the project goods and materials include small-scale construction materials (polythene tubes, brick, cement, sand, soil, etc.), planting, and harvesting equipment, and safety gears. Goods or materials required for the project will be supplied through the contractor hired for the project activities. The supply of these goods will be part of the contract with the local contractors who will independently procure from diverse local suppliers and supply them for project activities. Engagement of primary supply workers is expected to be intermittent. The services of primary suppliers are likely to be limited to the supply of raw materials for construction and others.
- iv. **Migrant workers:** Most of the SFM, small construction, and plantation activities will be carried out by the local communities. Considering the scale and scope of activities, the possibility of migrant workers is low.

3.2 Timing of Labor Requirements:

10. Except for short-term consultants, most Direct Project workers are expected to stay throughout the project's implementation period. The government-deputed officials will continue working in their parent department as they are permanent government employees. These workers follow official work timings of 8 hours/day. Project activities are expected to start during the third trimester of the first year of the project and to be completed in the last trimester of the fifth year of the project. Contracted workers will be expected to work for 6-day shifts of 8 hours. Community workers are expected to work according to their agreed plan that will not compete with agricultural peak season but during the lean period. They will have the flexibility of days and morning working hours (sunrise to sunset) as decided by the community consensual decisions yet maintaining the provisions in LA-2017 and WB's ESF.

4. Assessment of Key Potential Labor Risks

4.1 Project activities:

- 11. The main types and locations of activities carried out by the project workers are summarised below:
 - i. **Direct Workers** will be involved in project management, implementation rolls out in project Municipalities, capacity building, field facilitation support, monitoring and reporting of project implementation progress, studies, and assessments. These will crosscut across all the project components, including financial management, procurement, monitoring and evaluation, information technology and environment, and social management. A very small proportion of community and migrant workers could also be involved.
 - ii. **Contract Workers** hired by DFOs, Municipalities, and consulting firms will be involved in participatory planning exercises, feasibility studies, monitoring and evaluation studies, thematic assessments, area-specific plans, and training and capacity building. Contract workers hired by local contractors and community-based groups will be primarily involved in forestry works including

nursery construction and management/civil works, plantations, works related to SFM operations, small-scale soil conservation measures, and forest fire protection including fire line construction, maintenance, control burning, and burning material management.

- iii. **Community Workers** will be involved in plantation and all the works related to SFM activities and contribute their share of contribution in the form of labor. Their labor cost will be rewarded by the benefits they receive from the plantations and SFM income and will not incur any financial expenses to the project.

4.2 Key Labor Risks

12. Overall, the possibility of such risks is too low as each of the FFPP activities is small and low-cost in nature. The key labor risks associated with the project are summarised below.

- i. *Child and Forced Labor*: Risks of child and forced labor are low as the local contractors are registered with the Office of the Company Register and concerned local governments and need to comply with the LA-2017, Labor Rules 2018, and labor rules of the concerned province. In practice also, the incidence of child and forced labor is low in the forestry sector. However, the project will establish a grievance mechanism and ensure access to all project workers and will be regularly monitored. Project implementation and monitoring arrangements in coordination with the concerned Provincial Forest Directorate, DFOs, municipalities, and communities (e.g., CFUG, PLMG) will also monitor and report any child and forced labor issues.
- ii. *Migrant and Seasonal Labor*: The possibility of employing migrant workers is unlikely as the scale of the project is small, low costs, community-based, and easy availability of local community members in their agricultural spare time. Social and health risks related to labor influx are low, as labor influx is not expected. These laborers will be working for a short duration in sites, which are located close to the community settlements. There will be no labor camps under the project.
- iii. *Hazardous Work*: The plantation and SFM-related work do not involve working with heavy machinery or working at heights or being confined in dangerous places. These works also do not involve any hazardous materials.
- iv. *Occupational health and safety*: The risks due to accidents and emergencies are low given the size of the construction work and the absence of any hazardous nature of works, places, or materials. However, CFUGs need strengthening for the use of appropriate harvesting tools, and safety gear such as gloves and helmets while working with SFM operations. General understanding and implementation of occupational health and safety requirements will need strengthening.
- v. *COVID-19 and communicable diseases*: The COVID-19 pandemic brings additional health and safety risks and challenges to the project activities due to the risk of transmission amongst workers and among the community members when there is an outbreak. Even though most of the project activities will be implemented in open spaces where chances of transmission are low, it is imperative to assess and mitigate the risks of COVID transmission at the project sites and to provide a safe environment for project workers and local communities. State-developed and site-specific COVID control measures including physical and social distancing need to be developed and adhered to.
- vi. *Gender-based violence (GBV)*. Overall GBV risks are assessed as low in the context of the size of the contract and pro-active involvement of DFO staff, community facilitators, and community leaders including women's groups. Almost all the contract laborers are going to be local, and women's participation as a contract or community workers is going to be significant. Given the short duration, small size, and localized community-based contracts, migrant labor presence will also be very low

(if not nil). Consultations and working with user groups, women groups, and project stakeholders do not anticipate GBV to be a major risk.

5. Brief Overview of Labor Legislation: Terms and Conditions

13. The fundamental right of labor-management begins with the constitutional right stipulated in the Constitution of Nepal 2015. More specifically, the labor-management provisions are reflected in LA- 017, Labor Rule, 2018, Child Labor (Prohibition and Regulation) Act 2000, and ESS-2. Nepal has also ratified several ILO Conventions asserting various rights. They include Forced Convention 1930 (No .29); Right to Organize and Collective Bargaining 1949 (No. 98); Equal Remuneration 1951 (No.100); Abolition of Forced Convention 1957 (105); Discrimination (Employment and Occupation), 1958 (No. 111); Minimum Age, 1973 (No.138); Worst Forms of Child, 1999 (No.182); Tripartite Consultant (International Standard), 1976 (No.144); Weekly Rest (Industry) Convention 1921 (No. 14); Minimum Wage Fixing, 1970 (No.131); and Indigenous and Tribal Peoples Convention 1989 (No. 169). In addition, the Constitution of Nepal (2015) has several provisions that aim to protect the fundamental rights of (Part-3: clauses 16-48) such as Rights against exploitation (clause 29); Right to a clean and healthy environment (clause 30(1)); Right to (clause 34); fair practice including appropriate remuneration/wage, facilities and contribution on social security, and Policies relating to and employment. Key aspects of the national labor legislation, concerning terms and conditions of work, compensation, and benefits are summarised in the below table 5.1.

Table 5.1 Overview of Terms and Conditions

Labor-related laws	Requirements of terms and conditions
The constitution of Nepal	<ul style="list-style-type: none"> ▪ The right against exploitation (article 29), the right to a clean and healthy environment (article 30), the right to employment, the terms and conditions of employment, and the provision of unemployment benefits (article 33), Right to fair labor practice including social security (article 34) ▪ Article 39 of the constitution bars the use of a child in any factory, mine, or similar other hazardous works ▪ Policies relating to labor and employment (article 51)
Labor Act (2017) and Regulation (2018)	<ul style="list-style-type: none"> ▪ Regulates the employment, and conditions of service, and provides for their safety, health, and welfare. It covers hours of work, remuneration including provident fund and gratuity, leaves and overtime, occupational safety and health, fair labor practice, inspections, settlement of individual and collective disputes, labor unions, punishments and appeals, and termination of employment ▪ Prohibits force labor, child labor, discrimination based on gender and ethnicity, employment without a contract ▪ This act will not apply to civil servants
Child Labor (Prohibition and Regulation) Act 2000	<p>The Act is the main legal instrument that regulates the engagement of a child as a worker to make necessary provisions to protect their rights. The Act defines a child as a person who has not achieved the age of 14 years and the act bans employing a child below the age of 14 to work as a labor. The law allows limited and selected use of a child between 14-18 as workers but prohibits working in a hazardous work environment. Enterprises are required to obtain approval for employing workers of age between 14 to 18. No child is allowed to work for a period from six o'clock in the evening to six o'clock in the morning, the Act says. The child workers are not allowed to deploy to work for more than 6 hours per day and 30 hours of work per</p>

	<p>week and are entitled to the leisure of half an hour after working for three consecutive hours in a day. They are entitled to one-day leave every week. The act has also provisioned an officer to inspect an enterprise engaging children.</p> <ul style="list-style-type: none"> ▪ Provides for safety-related precautions and personal protective equipment by the enterprise employing children
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14. The legislation requirements conform to guidance provided in WB Environmental and Social Framework (ESF) and ESS-2. The above legal provisions have relevant clauses that support ESS-2 and ESS-4. Project workers will be provided with information that is clear and understandable regarding their terms and condition of employment. The project needs to introduce the practices to develop standards code of conduct (COC), and conditions of contract agreement by including all legal clauses, collective agreements, and other special terms and conditions for each labor, service provider, contractors, and other project parties.

Table 5.2: Major gaps between the government system WB’s ESF Standards

WB ES Standard	Gaps identified in the government system
ESS2: and Working Conditions	<ul style="list-style-type: none"> ▪ There is no practice in construction projects in preparing an LMP ▪ No segregation of workers among direct workers, contracted workers, community workers, and primary supply workers. ▪ There is no specific provision for construction workers as the laws are more focused on industrial workers ▪ The Act, 2017 has no provisions for Grievance Redressal Mechanism for the project workers

15. The provisions of the constitution relative to the terms and conditions of workers are further codified in the Labor Act, 2017 and Labor Rule, 2018, guaranteeing the rights, interests, facilities, and safety of workers and establishing harmonious work culture between employers and employees. The terms and conditions stipulated in the labor act which applies to this LMP and the project are as follows:

- Prohibition against the engagement of forced labor, bonded labor, child labor, and discrimination. The act also promotes equal pay for equal work.
- The provision that employment contracts should include (a) nature of employment, (b) primary work of the Employee and his/her position, (c) statement that the Employees' Service Rule will be an integral part, (d) remuneration, (e) benefits, and (f) terms of the employment of the Employee (g) date, time and schedule of work, (e)payment mode, (f) right to treatment and such other matters as prescribed.
- Provision of part-time work and social security for the workers.
- Provision for issuing work permits for foreign labor.
- Provisions for labor supply and the responsibility of the suppliers towards workers. This states employer must obtain the employees from licensed labor suppliers. If outsourced employees are not from the licensed labor supplier, they are deemed to be employees of the main employer. The employer should ensure the employees are provided minimum remuneration and facilities as per this act.

- Fundamental provision on Occupational Health and Safety (OHS) including role and responsibility of suppliers and manufacturers.
- Provisions for special types of industries and facilities are provided.
- Provision for a good culture of work, discipline at work, and performance of labor
- Provision for labor audit for each workplace.
- Provision against harassment, and sexual abuses.
- Provision for collective bargaining.
- Provision not to be employed without an employment agreement
- Provision for termination of employment.

16. In respect of risks of child labor, the Child Labor (Prohibition and Regulation) Act, 2000 and Labor Act 2017, section 5 prohibits the engagement of children in factories, mines, or similar risky activities. The Act also enjoins persons engaging children in other activities to do so with the necessary protection of their health and security. Section 3 of the Act strictly prohibits the engagement of children 14 years or below in any work as a worker. Equally, under Section 4, the engagement of children in work as a laborer against his/her will by way of persuasion, misrepresentation, or by subjecting him/her to any influence or fear or threat or coercion or by any other means is prohibited. Under Section 6, in case of any Enterprise, engages a child in work, must get approval from the concerned labor office (LO) or any authority or official prescribed by that office and from the fathers, mother, or guardian of the child. The labor law of Nepal clearly describes all things related to labor and workforce including wage and salary, termination, redressing, work environment, female workers, recruitment, unionization, child labor, and other issues that are relevant to ESS2. Key relevant provisions of the Labor Act 2017 and regulation 2018 include the following:

- **Work hours:** Working hours of 8 hours a day and 48 hours a week as per section 28 of the Labor Act, 2017. Overtime is prescribed for 24 hours per week as per section 30 of this Act. The employer will be required to pay the worker one and a half times more of the basic wage for regular work if he employs overtime as per Section 30. In respect of female workers, the Act requires employers to arrange for transportation of female employees in a way that the working period begins after sunrise and ends before sunset.
- **Wages:** The term "Wages" means all economic benefits including salary, bonuses, and remuneration for overtime work, holiday or leave, termination of employment, or other additional remuneration payable under the terms of employment. Every employer is responsible for the payment of wages to workers employed by the employer. In the case where the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment. The maximum wage period is one month. The wages of every worker must be paid before the expiry of the 7th working day after the last day of the wage period in respect of which the wages are payable.

17. Wages for public sector workers are set by the National Pay and Wages Commission and may not be disputed. In the private sector, wages are set by the industry, and collective bargaining rarely occurs due to high unemployment and worker concerns over job security. The legal workweek is 48 hours, with one day off mandated.

18. The Government of Nepal, Ministry of Labor, Employment and Social Security has recently prescribed the minimum remuneration/wage of the worker/employees under Section 106 of the Labor Act, 2017 (2074) ("**Labor Act**") by publishing a notice in Nepal Gazette (Volume 68, August 16, 2018 (2075-04-31) Number 20) on Aug. 16, 2018 (2075-04-31) ("**Gazette Notice**"). The Ministry has prescribed separate minimum remuneration/wage for the workers/employees working (a) other than tea estate ("**Minimum Wage Other than Tea Estate** ") and (b) in the tea estate ("**Minimum Wage Tea Estate** "). In addition to the Minimum Wage/Remuneration specified above benefits including Provident Fund and Gratuity

provided under the Labor Act and Contribution Based Social Security Act 2017 (2074) and other prevailing laws should be provided.

19. Where the employment of a worker is terminated by retirement or by the employer, whether by way of retrenchment, discharge, removal, dismissal, or otherwise, the wages payable to him must be paid before the expiry of the 30th working day from the day on which his employment is so terminated. Wages have to be paid in legal tender, through cheque, and in some cases (given the requirement of the laborers) through an electronic transfer in favor of the bank account of the worker or through any other digital medium. Wages must be paid on a working day. No deduction can be made from the wages of a worker except those authorized by the Labor.

- **Trade union:** As per the Labor Act, in an entity with 10 or more employees, there should be a collective bargaining committee. The Act also defines how the committee should be formed such as by an authorized trade union or by all the trade unions in absence of an authorized trade union or by the signature of 60 percent of workers in absence of any trade union. The member of the committee should be at least 3 but not exceed 11. The committee is authorized to submit collective demands, and negotiate and settle the demand, among other things.
- **Regular leaves and benefits:** According to Labor Act 2017, every worker must enjoy paid sick leave, casual leave, and festive holidays, mourning leave. The laborers would get festival allowances as per the rules. The Act has also made it compulsory maternity leave from 2 weeks before the delivery up to at least 6 weeks after the delivery.
- According to the provision in the Labor Act, a worker can save home leave and sick leave for 90 days and 45 days respectively. Similarly, this Act has made provision for the labor involved in non-stop and continuous work to get one day of the substitute to leave if s/he works on weekly leave or public holiday.

20. There have been also major changes in the terminal benefit provided to the employees such that the benefits are provided to each laborer irrespective of the length of service or nature of employment. The Previous Labor Act provided terminal benefits to the permanent employee and for certain benefits such as gratuity, the employee should have completed a certain year of services. The eligibility criteria have been removed by the New Labor Act. There were also changes in the benefits such as rate of gratuity and leave encashment etc.

- **Maternity/Paternity leave:** Female workers will get paid maternity leave. An expectant mother would be entitled to 98 days of maternity leave. Fully paid up to 60 days after submission of the necessary documents. The new act also provides for 15 days of fully paid paternity leave. If the authorized medical doctor recommends that the woman labor who needs additional rest for the health of her or her baby, the employer may approve an additional one month's unpaid leave in addition to the maternity leave or leave may adjust for other leave.
- **Safe work environment- Health/ Safety/ Welfare:** Where 20 or more employees are engaged, the employer shall constitute a Safety and Health Committee as per sec 74 of the New Labor Act. There were no such provisions in the previous act. Where 10 or more employees are engaged in the entity, the employer shall also constitute the Collective Bargaining Committee as per sec 116 of the New Labor Act. This act also ensures employee safety, and health and resolves any kind of disputes and unfairness also.
- **Social Security:** The Labor Act requires retirement funds such as (a) gratuity and (b) provident funds to be deposited in the Social Security Fund. There have been separate laws on social

security. The parliament has enacted the Social Security Act, 2017 (2074) which also obtained the accord of assent of the President on August 16, 2017.

- **Provision to formulate safety and health policy:** Under the Labor Act or the rules enacted under this Act, employers are required to formulate and implement policies regarding the safety and health of workers and other persons in the workplace.
- **Notice periods:** The employee can terminate the employment voluntarily by submitting a resignation letter. The employer must approve the resignation within 15 days and provide a notice thereof to the employee. Even if the employer does not approve the resignation the resignation becomes effective on the next day of the expiry of the 15-day time. However, if the employee continues to work in the entity even on the effectiveness of resignation in such a situation the resignation is deemed canceled.

21. Termination is considered a “discharge” in the case that an employee is fired for reasons of mental or physical incapacity, illness, or other reasons not related to misconduct by the employee. An employer must pay compensation when a termination is unrelated to discharge or dismissal and must give justification when they do terminate on grounds of discharge or dismissal.

22. Section 132 of the New labor Act prohibits sexual harassment and violence in the workplace. If anyone is found to be involved in sexual misconduct the service may be terminated based on the seriousness of the offence.

6. Overview of Labor Legislation: Occupational Health and Safety (OHS)

23. Special provisions related to OHS and working conditions are stipulated in chapter 12, sections 68-83 of the LA-2017, and chapter 7 rules 34-53 of Labor Rule 2018. Measures relating to OHS are for protecting workers from injuries, illness, or impacts associated with exposure to hazards encountered in the workplace or while working. Such OHS measures include the provision of Personal Protective Equipment (PPE), awareness-raising, and guidance on how to prevent accidents at the workplace. These align with the requirements of ESS-2 (labor and working conditions) and National Laws on OHS and workplace conditions. The Workers under the project will be provided with facilities (protective gears) appropriate to the circumstances of their work as advised by social and environmental experts the project. The project will also insist on comprehensive labor insurance for all the labor under the contracts.

24. Section 68 of the Labor Act (2017) and rule 34 of the Labor Rules (2018) require a project proponent to prepare a Health and Safety Policy that will be registered in the Labor Office (LO) for monitoring. Other legal obligations on OHS, applicable to LMP include:

- Appropriate safety and a healthy environment at the workplace including the provision of PPE, necessary training, and information are among the duties of the employer toward the labor
- Appointment of the responsible person at the workplace for OHS implementation
- Provision for the immediate shutdown of work and machinery in case of severe OHS concern
- Special provision for OHS for eye protection, protection against harmful chemicals, operation of pressurized machine/vessel, machine guarding, handling/lifting of load, fire protection, provision against fatigue
- Information to respective Labor Office (LO) against accidents, fatalities, and diseases that happened due to work

- Provision of treatment and prevention of communicable diseases, onsite first aid, and primary health care
- Specific requirements for the workplace: health and safety such as proper cleanliness, the passage of fresh air, proper light and temperature, solid waste management, noise control measures, safe drinking water, toilet, a mandatory medical check-up for the entities undertaking health-hazardous activities; appropriate lunchtime, a childcare center for children under three years
- Provision of accident investigation, inventory of work-related diseases, and compensation.
- The physical safety aspects are addressed by the OHS provisions of LA-2017. Other laws have specific provisions that address part of ESS-4.

Table 6.1: Major gaps between the government system WB’s ESF Standards

WB ES Standard	Gaps identified in the government system
ESS4: Community Health and Safety	<ul style="list-style-type: none"> • Despite the regulatory requirements, the practice of preparing an OHS plan/policy for the construction project is rare. However, there is the practice of preparing such a plan/policy in some large industries. • Though the laws ask the employer to provide training on the use and operation of the equipment, it is barely practiced in projects • Nepal’s law doesn’t explicitly ask for an emergency preparedness and response mechanism for workers • The laws ask the employer to provide personal safety equipment to the worker, but it is poorly implemented in the development projects • The laws ask to establish mechanisms for workers to raise complaints, concerns, and recommendations for improved safety practices, but in practice, they are not implemented.

25. **Health and Safety Offences:** The LA-2017 stipulates stringent sanctions against the violation of legal provisions. Sections 131-133 categorize the possible offense cases and sections 134-138 describe the punishment and the punishing process.

26. If an entity is found discriminating among the labor, they will be fined up to NRs 100,000 and an order to maintain equality may be given. Similarly engaging a worker without an appointment letter or employment agreement fine up to NRs. 500,000 at a rate of NRs. 10,000 per worker; the order to conclude an employment agreement and provide an appointment letter shall also be given. Likewise, for engaging a bonded labor, imprisonment up to 2 years or a fine up to NRs. 500,000 or both. The Labor Court can require the entity to provide such bonded labor with remuneration, allowance, and other facilities, as well as to indemnify the bonded labor with an amount double such remuneration, allowance, and other facilities.

27. If the entity does not make health and safety arrangements knowingly and as a result the worker dies or suffers physical or mental injury: Imprisonment up to 2 years, except otherwise provided. Such a person suffering the injury should be compensated.

Table 6.2: Conformance of the Nepal Labor Act with key elements of the ESS-2

Key Elements of ESS-2	Provisions in the Labor Act 2017
Equal Opportunity and Non-discrimination	The law contains important provisions prohibiting discrimination based on sex and disability, including equal wages for equal work (sections 6 and 7).
Timely payment	Wages must be paid before the expiry of the terms reflected in section 8. The difference in the payment mode will not exceed a month.
Working hours and overtime	48 hours per week extendable up to 72 hours with 24 hrs over time (chapter 7, sections 28-33)
Minimum Wage	The minimum wage (chapter 8, sections 34-39) and the payment will be done under section 35. Provision for a basic wage for package work (section 170)
Worker rights	Regular leaves and benefits (chapters 9 and 10) The employer must provide reasons for termination (chapter 21, sections 139-150)
Prevents forced labor and child labor	The minimum age is not stipulated in the Labor Act, Child Labor (Prohibition and Regulation) Act 2000 prohibits children below the age of 14
Protection of Workers	Fundamental provisions for workers (chapter 2), schedule of work (chapter 7), internal management of workers (chapter 17), dispute settlement (chapters 18 and 19), disciplinary and penalty (chapter 20)
OHS	The law provides for comprehensive OHS and empowers the Department of Labor and Occupation Safety (DoLOS) to conduct inspections of establishments and to impose penalties for violations or non-compliance (chapter-12, sections 68-83)
Children at Working Age	Minimum age is not stipulated in the Labor Act (Legally recognized documents such as a Citizenship Card, Voter's Identification Card, or Birth certificate are used to prove workers on the project are 18 years or older)
Women	60 days of paid maternity leave for expectant mothers is mandatory (chapter 9, section 45)
A person with Disabilities (PWD)	A person with Disabilities Rights and Protection Act 2013 provides for rights to discrimination-free employment opportunities
Migrant Workers	No special provisions for migrant workers but provisions for foreign workers (chapter 6, sections 22-24)
Contract Workers	In this case, if the wages of a worker employed by a contractor are not paid by the contractor, the wages must be paid by the employer of the establishment
Community Workers	The labor law does not recognize community workers as defined in the ESS-2 and hence does not provide any special considerations for such contracting arrangements. The LA-2017 requires that all labor supply

	contracting agencies will have to be formally registered, and workers should first be the responsibility of the contracting agency.
Primary Supply Workers	The law does not assign any responsibility to the project to the supplier's laborers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.
Freedom of association and collective bargaining	Where 10 or more workers are engaged in the entity, the employer shall also constitute the Collective Bargaining Committee as per sec 116 of LA-2017 but the government does not permit any collective demand in the following area providing essential service, or (b) established in Special Economic Zone, (c) state of Emergency declared as per the Constitution.
Access to a grievance redress mechanism	Workers can seek direct civil law redress from the Labor Courts for complaints regarding terms and conditions of employment and wages. While health and safety, maternity welfare, and child labor offenses are subject to criminal prosecution.

28. Contractors have the mandate to comply with all mentioned requirements and make their employees compatible towards handling and management of entire OHS condition at the workplace

7. Responsible Staff

29. The overview of responsible staff and oversight mechanisms has been described in the institutional arrangement of the FFPP document. The PMU has the overall responsibility to oversee all aspects of the implementation of the LMP.

30. The project will form a team of responsible staff to carry out the following activities:

- i. Engagement and management of project workers
- ii. Engagement and management of contractors/subcontractors
- iii. Implementation of OHS
- iv. Training of workers
- v. Addressing worker grievances
- vi. Emergency preparedness plan

Staff, community executive members, and their Scope of Work:

31. **National Project Coordinator:** The National Project Coordinator at the federal PMU will hold the overall responsibilities for implementation, monitoring, and reporting on the compliance of the labor-management procedures covering project workers, community workers, and the primary supply workers (when applicable). S/He will be responsible for providing guidance and advice to the social, procurement, gender, monitoring, and communication specialists in provincial PMUs in implementing LMP and complying with the applicable labor legislations.

32. **Province Forest Director:** The Province Forest Director will be responsible for monitoring and reporting the labor-management procedures. S/He will directly report to the provincial ministry responsible for forests and the environment.

33. **Divisional Forest Officer:** The Divisional Forest Officer will be responsible for overseeing and guiding the overall implementation of the LMP in their designated jurisdictions and reporting to the Provincial Forest Director.

34. **Sub-divisional Forest Officer:** The Sub-divisional Forest Officer will be responsible for coordinating with the SMS (social) in planning, organizing, and implementing training programs for individual landowners, CFUGs, and PLMGs in their jurisdictions.

35. **Municipality Chief Executive Officer:** The Municipality Chief Executive Officer will be responsible for overseeing and guiding the overall implementation of the nursery and plantation projects in their respective Municipalities.

36. **Subject Matter Specialist (Environmental, Social, Administration):** The Social Safeguard Specialist and Environmental Specialist in the PMU and provincial PMU will be responsible for implementing the overall ESF Strategy of the project in their designated jurisdictions including the ESMF, the ESS-specific social plans, and frameworks. The Provincial E&S safeguard Specialist(s) will hold the day-to-day operational responsibility for implementing the LMP through the field staff and reporting on its implementation. S/he will be preparing the necessary training modules and organizing training programs for the district and field staff as well as the contractors on the implementation of the LMP. The Social Safeguard Specialist(s) will work closely with the Environmental Specialist(s), Procurement Expert, and Communication Specialist in implementing the LMP. The Social Specialist(s) will be assisted by Social Extension Officer(s) and short-term consultants whenever needed and resource agencies to support the PMU in implementing the LMP including planning, monitoring, and performance appraisal. The Social and Environment Specialist(s) will also coordinate with the Community Forest User Groups (CFUGs), Public Land Management Groups (PLMGs), Divisional Forest Officer(s), and Municipality Chief Administration Officer(s) to implement the LMP effectively. They will also be responsible for tracking and reporting on workers' GRM.

37. **Procurement Specialist:** Supports the PMU in implementing this LMP in procurement activities including planning, monitoring, and performance appraisal.

38. **Administrative and Financial Officer:** Support PMU in all administration, financial, and other required administrative support.

39. **CFUG and PLMG Committee Members:** Participate in the environmental and social safeguard-related awareness-raising, orientation, and training events organized by the respective PMUs, DFOs, and Municipalities. Abide by the rules and regulations related to the labor and forestry sector, organize within-group awareness-raising programs, and maintain members' safety at the SFM and plantation sites. Include community workers' health and safety in the group's constitution, operational plans, implementation, and monitoring procedures, and get approval from the concerned offices.

40. **Participating landowner:** Participate in the environmental and social safeguard-related awareness-raising, orientation, and training events organized by the respective PMUs, DFOs, and Municipalities. Abide by the rules and regulations related to the labor and forestry sector.

Labor and Working Conditions:

41. The Social Safeguard Specialist (SSS) will be responsible to develop a comprehensive commitment plan for labor and working conditions under specifications and keeping records. The commitment Plan for labor and working conditions will be developed before the bidding that will include among others: the records of workers engaged under the project, including work and workers' category, contracts, hours worked, remuneration and deductions (including overtime), payment mode, collective bargaining agreements,

capacity development plan, and workplace code of conduct (CoC). The CoC is included in Annex 2. Contractors are obliged to address the provision of labor accommodation, welfare, and other workplace facility and comply with all requirements and keep their records updated.

42. The PMUs may require records at any time to ensure that labor conditions are met. The PMU will review records monthly and can require immediate remedial actions if needed. A summary of issues and remedial actions will be included in the quarterly reports to the World Bank. The SSS will oversee the application and reporting of the labor and working condition.

Occupational Health and Safety:

43. Contractors must engage a minimum of one safety and health officer and joint safety and health committee comprising of supervisor and workers. Smaller contracts may permit the safety representative to carry out other assignments as well. All managers at project sites will be responsible for ensuring compliance with OHS. Whilst the OHS representative will ensure the day-to-day compliance with specified safety measures and records of any incidents, all managers at project sites will be responsible for ensuring compliance with OHS. They will be responsible to comply above-mentioned requirements to protect and control the environment, OHS, CHS, and LMP. This provides technical and financial resources to control accidents effectively and safely, preparing workers and nearby communities to respond to them. Furthermore, applies to ensure the implementation of measures to avoid, minimize or rehabilitate risks and impacts on occupational health and worker safety.

44. The PMU Social Development Specialist will review records monthly. The PMU will keep up-to-date resolutions and reflect them in quarterly reports to the ministry and Bank. A summary of the grievances received should be included in the monthly and quarterly monitoring reports.

45. Individual grievances (LA-2017, chapter 18) that appeared during work related to non-compliance with the provision stipulated will be settled as per the consultation and understanding of employer and labor. This will be reflected in the contract agreement.

Gender-Based Violence, Sexual Exploitation, and Sexual Harassment:

46. The contractor should prepare Sexual Exploitation and Abuse/Harassment (SEA/SH Risk Mitigation Action Plan with a clear set of rules and responsibilities, detailing how SEA/SH-related costs will be paid in the contract, in the procurement documents to mitigate risks, and SEA/SH requirements and expectations to be incorporated in the bid documents. A separate parallel local SEA/SH GRM will be set up in the worksite to specifically and promptly respond to and manage GBV disclosures. A plan for GBV awareness-raising in affected communities, making the workplace and labor camps zero tolerance of SEA/SH, COCs, and follow-up orientations on SEA/SH to workers will be undertaken.

Additional Training:

47. Contractors may be required to have a separate unit to deal with labor and working conditions as well as community health and safety with required support staff. The project will require training to address risks associated with construction and labor influx as well as will provide a schedule for required training. The contractor will be obligated to ensure staff participation in such training, and any additional mandatory training required, as specified by the contract to maintain a safe and healthy working environment. The training and retraining will be conducted at different intervals such as after appointment, annually, and if new things happened change at the workplace (material, technology, procedure, emergency).

8. Policies and Procedures

48. Based on the requirements of ESS2 and national labor laws, the following policies and procedures will apply in this project.

8.1 General Principles

8.1.1 Non-discrimination in employment:

49. Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination in any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions, and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

8.1.2 No forced and bonded labor

50. Under no circumstances will PMUs, DFOs, Municipalities, contractors, primary suppliers, or sub-contractors engage in forced labor and child labor. Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods, retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable 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 personnel to force or extract work from project workers, or other restrictions that compel a project worker to work in a non-voluntary basis. Project implementation and monitoring arrangements in coordination with the concerned Provincial Forest Directorate, DFOs, municipalities, and communities (e.g., CFUG, PLMG) will monitor and report any child and forced labor issues. The project will also track and monitor any grievances through workers' GRM.

8.2 Contractor responsibility for labor management

51. Most labor-management-related impacts of subprojects result from activities directly under the control of contractors and will be mitigated directly by the same contractors. To ensure that contractors effectively mitigate labor-related impacts, the PMU will incorporate standardized labor-related clauses including the requirement of the SEA Mitigation Action Plan and Worker COC in the tender documentation and contract documents to inform potential bidders about the environmental and social performance requirements that shall be expected from them. The potential bidders would be required to reflect their capacity to fulfill these requirements in their bids and be required to implement these clauses for the duration of the contract. The PMU will enforce compliance by contractors with these clauses.

52. As a core contractual requirement, the contractor is required to ensure all documentation related to labor management is available for inspection at any time by the PMU and concerned offices. Likewise, similar obligations will be required for third-party labor suppliers or 'Naike'. The contractual arrangements with each project work must be clearly defined under national law. All labor-related requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the project's environmental and social instruments.

8.3 Occupational Health and Safety

53. To achieve the best OHS performance the project is committed to:

- i. Comply with legislation that relates to OHS requirements as stipulated in LA-2017, Labor Rule -2018, ESS-2, ESS-4, Child Labor (Prohibition and Regulation) Act-2000
- ii. Prevent OHS risks through the promotion of appropriate skills, knowledge, and attitudes toward hazards
- iii. Contribute to improving the OHS management system and performance during project implementation
- iv. Develop a budgetary plan for OHS improvement including capacity development and performance assessment
- v. Communicate OHS provisions to all persons, working under the control of the PMU with emphasis on individual OHS responsibilities.

54. The contractor will be required to have a Safety, Health, and Environmental Representative for the workplace or a section of the workplace for the contract period. At a minimum, the Representative must:

- i. Identify potential hazards
- ii. In collation with the employer, investigate the cause of accidents at the workplace
- iii. Inspect the workplace including plant, machinery, and substance, to ascertain the safety and health of employees provided that the employer is informed about the purpose of the inspection
- iv. Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace
- v. Attend meetings of the safety and health committee to which that safety and health representative is a member
- vi. Make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee
- vii. Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.

55. With these provisions, and to avoid work-related accidents and injuries, the contractor will:

- (a) Provide occupational health and safety training to all employees involved in works
- (b) Provide occupational safety measures to workers with PPE such as protective masks, belts, helmets, overalls and safety shoes, and safety goggles, as appropriate
- (c) Provide workers in high-noise areas with earplugs or earmuffs
- (d) Ensure availability of first aid box
- (e) Provide employees with access to toilets and potable drinking water
- (f) Properly dispose of solid waste at designated landfill sites and cleaning funds and attach the receipt of waste from the relevant landfill authority
- (g) Carry out all procedures to prevent leakage of generator oil into the site
- (h) Develop capacity building and monitoring plan
- (i) Develop an emergency preparedness and management plan
- (j) Develop OHS Management Framework and compliance plan.

56. To avoid workplace health and safety issues the project will:

- i. Develop workplace OHS policy and OHS management framework, based on Labor Act 2017, Labor Rule 2018, and World Bank policy
- ii. Provide occupational health and safety training to all employees engaged in work
- iii. Conduct workplace assessment and develop an implementation plan

- iv. Ensure availability of first aid boxes, also identify and service agreement done with specialized hospitals for complicated accidental and health problems
- v. Provide employees with access to toilets for males and females and potable drinking water.

57. Additionally, minor incidents will be reported to PMU monthly and serious incidents will be reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately.

8.4 Labor Influx and Gender-Based Violence

58. Contractors will need to maintain labor relations with local communities through a Code of Conduct (COC). The COC commits all persons engaged by the contractor, including subcontractors and suppliers, to acceptable standards of behavior. The COC must include sanctions for non-compliance with standard CoC, including non-compliance with specific policies related to gender-based violence, sexual exploitation, and sexual harassment (e.g., termination). The COC should be written in plain language and signed by each worker to indicate that they have:

- i. Received a copy of the COC as part of their contract
- ii. Had the COC explained to them as part of the induction process
- iii. Acknowledged that adherence to this COC is a mandatory condition of employment
- iv. Understood that violations of the COC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

59. A copy of the COC shall be displayed in a location easily accessible to the community and project-affected people. It shall be provided in Nepali. Contractors must address the risk of gender-based violence (GBV), through:

- i. Mandatory training and awareness-raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women
- ii. Informing workers about national laws that make sexual harassment and gender-based violence a punishable offense that is prosecuted
- iii. Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence.

60. The contractor will prepare a GBV Risk Mitigation Action Plan, as discussed above. This process will be under the portfolio of a designated officer who shall identify and engage the relevant stakeholders on GBV issues.

9. Age of Employment

61. The LMP by the LA-2017, Labor Rules 2018, and ESS-2 have adopted the standard desk review of related references and reports and legally valid documents. The mandatory provision minimum age by law for the hiring of labor is 18 and no children under this age are allowed to work. Such tools as Voters Registration Card (VRC) and Citizenship Certificate will be used to verify the age of participants. In the circumstances where these documents are not available the Affidavit of Birth will be used. Further, awareness-raising sessions will be regularly conducted in the community to sensitize on prohibition and negative impacts of child and forced labor.

62. If any contractor employs a person under the age of 18 years, that contractor will not only be terminated but also be reported to the authorities for legal prosecution.

10. Terms and Conditions

63. The LA-2017 and the Labor Rule 2018 govern the terms and conditions of employment. The Act makes it mandatory for employers to give their workers a copy of the written particulars of employment, signed by both parties. For this program, contractors will be required to provide all their workers with written particular of employment.

64. As a monitoring mechanism, the contractor shall not be entitled to any payment unless s/he has filed, together with his claim for payment, a certificate:

- i. Stating whether any wages due to workers are in arrears
- ii. Stating that all employment conditions of the contract are being complied with

65. The FFPP would intervene if the contractor defaults in the payment of wages due to any of its employees by arranging for the payment of the wages to the employee out of the sum payable to the contractor. For this project, it will be a material term of the contract to allow PMUs, DFOs, and Municipalities to withhold payment from the contractor should the contractor not fulfill their payment obligation to their workers.

The wage, hours of work, and maximum no of hours will be applied as mentioned in section five of LMP.

10.1 Worker's Organization

66. The LA- 2017 has protected the right of labor to involve or affiliate with the trade union organization. Besides, as a member state of ILO, it has the obligatory requirements that apply minimum conditions in terms of workers' organization. This act gives effect to collective bargaining, amongst other purposes. The Act allows for the collective negotiation of terms and conditions of employment. The FFPP provides employees with the right to join and form an organization for purpose of labor representation. These unions have the right to represent their members during hearings and to negotiate favorable terms and conditions for their members among other rights.

11. Grievance Redress Mechanism

67. Legal provisions entrusted with the basics of disciplinary procedures and grievance redress mechanism (GRM) will harmonize working conditions and management of worker relationships (e.g., terms and condition of employment, non-discrimination and equal opportunity, worker's organization) and protect the workforce (e.g., child labor and minimum age, force labor). The project will establish a GRM specifically to receive workplace concerns and grievances from project workers, as required under ESS-2.

68. The mechanism will be accessible to all the project workers without any discrimination. Information relating to the 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 regularly.

69. Worker grievances will be recorded, detailed records will include occurrence dates; details of the grievance; date submitted; actions taken and dates; resolution and date; and follow-up. The Grievance Redress Mechanism for workers will be organized as follows.

- i. **For all worker-related grievances:** The Project Coordinators at federal and provincial PMUs in their working jurisdictions will be responsible for providing guidance and advice on all worker-related grievances and their redress, in line with the provincial and national legislation and the LMP.
- ii. **For the Direct Project Workers,** The Social Development Specialist in the PMU, in coordination with the Environmental Specialists (s) and Provincial Social Specialists will hold the overall responsibility for establishing and implementing the GRM for project workers and reporting on it. The Chief administrative officer at the federal and provincial PPMUs will support the OHS specialist and will be responsible for providing guidance and advice on all worker-related grievances and their redressal, in line with the Government of Nepal Rules and Regulations and LMP provisions.
- iii. **For Contract Workers.** The concerned Divisional Forest Officer and the Chief of Municipality Executive will be responsible for establishing and operationalizing the contract workers GRM, especially focusing on contract workers engaged by contractors and subcontractors. The corresponding administration chief, as well as the procurement specialist of the respective PMU, will support them in this. S/He will also be responsible for tracking and resolving workers' grievances. The respective FFPP focal persons in each DFO and municipality shall maintain records where grievances and complaints, including minutes of discussions, recommendations, and resolutions made will be recorded. Some of the GRM dissemination avenues are:
 - During induction training for new workers
 - During Toolbox meet/briefings by work supervisors
 - During periodic tailgate sessions to review and refresh site protocols on safety procedures at work
 - Through pictorial illustrations and posters in the 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
- iv. **In the COVID context,** the nature of complaints will be particularly time-sensitive and sensitive in terms of confidentiality. Hence, the contractor should consider streamlined procedures to address specific worker grievances, 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, and respond and take necessary action.
- v. **For Community Workers:** The PMU will be responsible for providing guidance and advice on all community worker-related grievances. The concerned chairperson of the CFUG/PLMG will be responsible for establishing and operationalizing the community workers GRM (who will provide in-kind contributions to the project works especially in public land plantations and SFM). The group's executive committee will support them in maintaining records and regular reporting of grievances.

11.1 Responsible officials to operationalize GRM at different levels:

70. The Social Safeguard Specialist in the federal and provincial PMUs will provide overall capacity-building support on resolving all workers' grievances and will support the Project Coordinators. S/HE will also include workers' grievance status in the half-yearly progress report on ESF. The Social Safeguard Specialist(s) will work closely with the Procurement, Monitoring and Evaluation, Environment Specialist,

and Forest Management Specialists in implementing the LMP and addressing workers' grievances. The Social Safeguard Specialist(s) will be assisted by the Extension Officer (s) and short-term consultants whenever needed and resource agencies who will be engaged for periods time throughout the project implementation period.

71. At the district and municipality level, the respective FFPP focal persons will be the nodal grievance officer for workers, who will report on the status of workers' grievances to their respective DFOs and Municipalities. The planning sections of DFOs and Municipalities will be responsible for organizing the training of workers and workers' grievance management. The Extension Officers in the respective PMUs will support the DFOs and Municipalities in resolving the worker's grievances and help in training the contractors in this regard.

72. The Elected Representative of the Municipalities and DFO staff will be sensitized to take up workers-related grievances with the DFOs and municipalities and support the project in monitoring the contractor's performance on OHS and labor and working conditions.

Notification about the grievance mechanism will continue to be carried out through sensitization during the community sessions for all participants and through posters placed at Municipality Offices and DFOs. Grievances will continue to be received through established communication channels; however, the main channel will be the projects hotline and the PMU phone line. Workers will also be able to submit their grievances through the district Labor Department, whose contacts will be shared with all the contractors and worksites.

11.2 Grievances related to Gender-Based Violence (GBV)

73. Recognizing the fact that SEA/SH-related cases can occur among the workers, the LMP adopts a different approach and methods to deal with such risks. The Project will identify institutions and services providers who are actively engaged in the prevention of gender-based violence, sexual exploitation, and workplace sexual harassment around project sites to refer any potential survivors to these services. Such services will include health facilities, law enforcement services, and relevant public authorities in the participating municipalities. Grievances related to gender-based violence will be reported through the project/contractor, the nature of the complaint will be recorded along with the age of the complainant, and relation to the project will be recorded but the issue will be referred to relevant institutions.

74. In addition, additional mitigation measures related to gender identified in E&S instruments will be reflected in site-specific ESMPs. This will include engagement with communities on gender-related risks, grievance, and response measures available, as identified in the manual.

12. Contractor Management

75. FFPP requires that contractors monitor, keep records, and report on terms and conditions related to labor management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions, or other entitlements regardless of whether the worker is being engaged on a fixed-term contract, full-time, part-time, or temporary. The application of this

requirement will be proportionate to the activities and the size of the contract, in a manner acceptable to FFPP and the World Bank:

- i. **Labor conditions:** Records of workers engaged under the project, including contracts, registry of induction of workers including COC, hours worked, remuneration and deductions (including overtime), and collective bargaining agreements.
- ii. **Safety:** Recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth).
- iii. **Workers:** Number of workers, an indication of origin (local and migrant), gender, age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- iv. **Training/induction:** Title, venue, date, objectives, participant's number by gender and ethnicity, training methodology and materials, content and training schedule, training logistics, estimated budget, training evaluation, and the trainers.

76. The Project's oversight of contractor performance is set out in section 5 of this LMP. The following procedures are to adhere to the contractor management:

- Ensure that the contractors have valid contracts with clearly defined service level agreement by all environmental and social clauses, as applicable
- Contractor induction to FFPP standards and LMP
- Monthly submission of records: Contractor submission to PMU. This includes managing incidents and accidents and Contractor employees' record
- Monthly site visits (at a minimum) and reports
- Concerns or issues tracking using the monitoring register
- Evaluation of contractor requirements. This includes training, OHS files, certifications, and other
- Training needs identification recorded in the Contractor Training Schedule
- Annual Contractor Management Plans

13. Community Workers

77. The project is expected to use a large number of community works. ESS2 requirements related to working conditions and Occupational Health and Safety will apply to this category of workers. While labor contributions in community-driven projects are common in Nepal, there is no clear national-level regulatory framework that defines the terms and conditions. However, the following terms and conditions stipulated in the labor act (2017), Labor Rule (2018), and Child Labor (prohibition and regulations) Act 2000, are applicable for community workers of this FFPP as well:

- Provisions of work hours, rest breaks,
- Prohibition against the engagement of forced labor, bonded labor, child labor, and discrimination. The act also promotes equal pay for equal work.
- Fundamental provision on Occupational Health and Safety (OHS).
- Provision for a good culture of work, discipline at work, and performance for labor.
- Provision for labor audit for each workplace.
- Provision against sexual harassment, and sexual abuses.

- Specific requirements for the workplace: health and safety such as proper cleanliness, the passage of fresh air, proper light and temperature, solid waste management, noise control measures, safe drinking water, toilet, a mandatory medical check-up for the entities undertaking health-hazardous activities; appropriate lunchtime, child care center for children under three years
- Provision of accident investigation, inventory of work-related diseases, and compensation.

78. Accordingly, the FFPP/project will be responsible for assessing and managing identified risks. The project will:

- Ensure compliance with legislation that relates to OHS as stipulated in LA (2017), Labor Rule (2018), ESS2 and ESS4, and Child Labor (Prohibition and Regulation) Act 2000.
- Develop a budgetary plan for OHS provisions.
- Communicate and provide training to all community workers on individual OHS responsibilities.
- Provide OHS measures to workers with PPE such as protective masks, safety shoes, and others, as appropriate
- Ensure availability of health and safety measures including first aid box, potable drinking water, and sanitation facilities among others.
- Assess and monitor the use of child labor and forced labor.

79. Additionally, the FFPP will document the agreements reached with community workers. It will include:

- How agreements were reached in identifying and engaging community workers (e.g. community meetings, etc.)
- Activities/responsibilities that have been agreed upon between PIU/contractor and community worker,
- Set out terms and conditions on which community labor is engaged, including the work hours and rest breaks
- How community workers can raise a grievance concerning the project.
- Roles and responsibilities for monitoring community workers.

80. The FFPP will also be required to monitor that community labor is provided voluntarily. For this the FFPP will:

- Ensure the concerned community is informed about the project activity and plans.
- Conduct awareness sessions/campaigns.
- Include a code of conduct in the agreement with the community worker.
- Regular monitoring and reporting by the PIU.

81. The existing **Grievance Redress Mechanism (GRM)** formed at CFUG /local level will be adapted and strengthened to allow community workers to raise a grievance concerning the project. The concerned chairperson of the CFUG supported by the executive committee will be responsible for operationalizing the GRM including maintaining the records and timely resolution of any grievances. The PMU will provide overall guidance and advice on any related grievances.

14. Primary Supply Workers

82. FFPP does not have any ongoing supply relationship with a primary supplier. Most of the key materials for these small-scale civil works will be procured by the local contractors from multiple sources, and not by FFPP. So, the child and forced labor risks associated with primary supply workers are assessed as low or not applicable. For any significant changes in project strategy on procurement, this issue will be reassessed, and a necessary risk assessment will be initiated to address the risks covered under ESS-2, and if needed, then LMP will be amended in line with the provisions of ESS-2 for primary supply workers (including child labor, bonded labor, terms, and conditions, OHS, etc.

15. Applicability

83. This LMP is also applicable to:

- Sustainable forest management
- Private plantations
- Public land plantations
- Forest-based enterprise establishment and management

References

- Child (Prohibition and Regulation) Act -2000
- Constitution of Nepal 2015
- Guidelines and publication
- Forests for Prosperity Project Appraisal Document 2019
- Forest Regulations 2022
- Forests for Prosperity Project Operational Manual
- IFC-EBRD, Workers' accommodation: processes and standards
- ILO Convention 169
- Industrial Policy, 2010
- Labor Act, 2017, Labor Rule, 2018
- World Bank Environmental and Social Framework

Annex 1: Registry Format

- 1. Name of Employer
- 2. Name of Employee
- 3. Date Employment began
- 4. Wage and Method of Calculation
- 5. Interval at which wages are paid
- 6. Normal Hours of work
- 7. Short description of employee’s work
- 8. Probation Period
- 9. Annual Holiday Entitlement
- 10. Paid Public Holiday
- 11. Payment during sickness
- 12. Maternity Leave (if the employee is female)
- 13. Nursing Break Entitlement (for female employees)
- 14. Notice employee entitled to receive
- 15. Notice employer is required to give
- 16. Pension Schedule, Provident Fund Gratuity Schedule, etc.
- 17. Any other matter either party wishes to include

Notes:

- (a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union or Staff Association is:.....

- (b) The grievance procedure and disciplinary procedure in this undertaking require to be followed when a grievance arises, or disciplinary action needs to be taken.....

- (c) When any heading is inapplicable enter CROSS.

.....
Employer’s signature

.....
Witness

Employee’s signature
.....

Witness
.....

Date

Date

Annex 2: Code of Conduct

Preamble

The Code of Conduct defines standards that aim to achieve decent and humane working conditions. The Code's standards are based on national law and accepted good practices.

Companies affiliated with the FFPP 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 PMUs in collation with the participating municipalities monitor 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 PMU expects affiliated companies to make improvements when Code standards are not met and to develop sustainable mechanisms to ensure ongoing compliance.

The FFPP provides a model of collation, accountability, and transparency and catalyzes positive change in workplace conditions. As an organization that promotes continuous improvement, the PMUs strive to be a global leader in establishing best practices for the respectful and ethical treatment of workers, and in promoting sustainable conditions through which workers earn fair wages in safe and healthy workplaces.

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, 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, based on gender, race, religion, age, disability, sexual orientation, nationality, regionalism, 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 Labor

There shall be no use of forced labor, including bonded or other forms of forced labor.

Child Labor

No person shall be employed under the age of 18

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 the negative impacts that the workplace has on the environment.

Hours of Work

Employers shall not require workers to work more than the regular overtime hours allowed by the law of the country. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest every seven days. All overtime work shall be consensual. Employers shall not request overtime regularly and shall compensate for 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 72 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 Office to take appropriate actions that seek to progressively realize a level of compensation that does.