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# ESWATINI WATER SERVICES CORPORATION



## NHLANGANO – SIPHAMBANWENI WATER AND SANITATION PROJECT

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### LABOR MANAGEMENT PROCEDURES (LMP)

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## **Introduction**

The Labour Management Procedures (LMP) was developed by Eswatini Water Services Corporation (EWSC) to manage risks under the Nhlanguano Siphambanweni Water Supply Project funded by the World Bank. The LMP sets out the Project's approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specifically objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). The national requirements and World Bank objectives are compared in the table provided in Appendix 1.

The Project's Environmental and Social Assessment identified key risks and impact associated with Project implementation, associated with workers as well as community health and safety, and the risk associated with labour impact. The World Bank has rated the overall project moderate, which indicate a moderate likelihood of adverse impacts associated with Project implementation. The moderate rating indicates that the risks are well understood and expected to have limited impact as they can largely be avoided, minimized or managed through procedures, including procedures set out in this LMP. However, EWSC is committed to, evaluating risks and impact to have in place adequate measures and procedures to manage adverse impacts on a continuous basis, throughout the Project. This LMP is a living document and is reviewed and updated throughout development and implementation of project. Adhering to these procedures, Project contractors will adhere to a Comprehensive Mitigation Plan (CMP), which will be prepared by the environmental consultant firm (MTK Sustainable Technologies) for larger works. For smaller contracts, EWSC may prepare specific procedures to be inserted in the contract as part of contractors' legal obligations reflecting the LMP principles. The approach will be assessed as part of the initial screening of environmental and social risk and impact carried out by EWSC's Project implementation team.

### **1. OVERVIEW OF LABOUR USE ON THE PROJECT**

The Nhlanguano Siphambanweni water supply project is intended to increase the number of people with access to safe drinking water and proper sanitation in the Kingdom of Eswatini. The project is specifically targeting the Nhlanguano Siphambanweni corridor in the Shiselweni region with regards to access to safe drinking water and proper sanitation. The Shiselweni region currently has a high population with limited access to potable water and hence the need for the project. This area in the Shiselweni region is characterized by recurrent dry spells and is prone to water scarcity. This project is in line with community support having been requested by numerous communities and tabled to the Eswatini Water Services Corporation (EWSC) following the completion of the Nhlanguano Water Treatment Plant which could be utilized to extend the potable water coverage in the precinct. The Nhlanguano Water Treatment Plant was designed to cater for future growth including the Nhlanguano Siphambanweni corridor area which officially opened September 2016.

The implementation of the project will involve engagement of labour, i.e. project workers. The project worker will vary from skilled, semi-skilled and unskilled labour. The skilled and semi-skilled may come from within the country or outside the country but the unskilled will come from within the country and preferable from the vicinity of the project area. EWSC has established a project implementation team (PIT) comprising the following officials to have an oversight role over the project;

- Project Manager,
- Project Accountant,
- Procurement Manager,
- Public Affairs Manager
- Environmental, Health and Safety Manager
- Project engineer
- Social standards officer

This LMP therefore applicable to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is pertinent, as per ESS2 to the Project in the following manner:

1. People employed or engaged directly by EWSC to work specifically in relation to the Project;
2. People employed or engaged by contractors to perform work related to core function of the project, regardless of location;
3. People employed or engaged by ESWC's primary suppliers (see section 12).

During project implementation additional staffing may be required to provide support from the existing EWSC staff. The following offices will likely provide technical assistance and support services during implementation:

- GIS & survey Office: Assets inventory, spatial planning
- Compliance office: the legal office will oversee contractual issues.
- Project section: for drafting contractors contracts.
- Procurement section: inspects primary suppliers twice annually and will report to Project Implementation Team any irregularities.

EWSC has an established human resources department with qualified HR staff at both headquarters and its regional offices. The headquarter HR department manages employment related issues such as formulating labor procedures/policies and managing day-to-day operations (e.g. hiring, training, remuneration, employee benefits) and performance appraisal. Grievances redress is a cross-cutting issue with the involvement of several departments within EWSC, including the HR department, the worker's organizations and headquarter disciplinary committee.

***Number of Project Workers:***

The project has three components; namely: Water Supply component, Sanitation component and the Capacity Building component. The implementation of the water supply component will have two phases. The first phase is the design phase and the second being the construction phase which includes the defect liability period. During the design phase, an Engineering consultant will be hired to do the detailed designs and prepare the tender documents. The same consultant will be responsible for the supervision of construction works. During the construction phase, a contractor will be hired to construct the works. During the construction phase, the Engineering consultant will supervise the works. The engagement of the labour will depend on the state of the project wherein the high number will be hired during the construction phase as demonstrated in table 1 below. During the construction phase, not all the total number of staff will be engaged at the same time, staff will be engaged slowly into the project and be gradually retrenched out of the project. It is expected that, when the implementation of the project is at peak, a maximum of 200-250 persons will be working on the construction at any one time. All labourers engaged by EWSC and the Department of Environmental health or their contractors, will be considered party or full-time employees and thus be covered by all relevant labour law and regulations as stipulated in this LMP and ESS2. A great proportion of the required labour will be recruited in-country, but the specific number will be confirmed later, the labour requirement will form part of the Request for Proposal (RfP). EWSC's and Department of Environmental Health's RfP will specify a preference for recruitment of unskilled local labour from the communities along the project corridor which have been identified in the Stakeholder Engagement Plan.

Below is a table showing estimates of number and type of workers that will be involved in the project.

Table 1:

<b>Proposed Project Personnel</b>							
		<b>Expat</b>	<b>National</b>	<b>Local</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>
<b>Design and Supervision Team</b>							
	Team Leader	1			1		1
	Engineers	2	6		8	6	2
	Clerk of Works/Technicians		7		7	5	2
	EHS Personnel		3		3		3
	Support Staff		4	2	6	1	5
<b>Construction Team</b>							
	Contract Manager	1			1	1	0
	Site Agent	1	1		2	2	0
	Sub-Agent		2		2	1	1

Site Engineer		2		2	1	1
Learner Engineer		4		4	2	2
Foreman	2	8		9	9	0
Quantity Surveyor		2		2	2	0
Surveyor		2		2	2	0
Assistant surveyor		4	3	7	5	2
Safety Officer		2		2	2	0
Lab Technician		2		2	1	1
Operators		11		11	11	0
Carpenter		9		9	9	0
Bricklayer		5	10	15	15	0
Steel Fixer		3	2	5	5	0
Pipe Layer		9	3	12	12	0
Storeman			4	4	2	2
General unskilled Labourers			221	221	185	36
Tea Lady			2	2	0	2
Cleaner			4	4	0	4
Site Clerk			7	7	5	2
Workshop Foreman		2		2	2	0
Community Liaison Officer			3	3	3	0
			10			
		3				
			2			
<b>Total</b>	<b>7</b>	<b>85</b>	<b>263</b>	<b>355</b>	<b>289</b>	<b>66</b>

Note:

1. It is expected that there will be no community workers in this project. However, upon completion of construction, EWSC will engage people that will be operating water kiosks. These people will be from the local community and are paid through commissions on water sales.
2. All workers will be 18 years and above as the legislation.
3. EWSC follows national labor laws and numerous technical regulations such as FIDIC Conditions Of Contract For Construction for Building and Engineering Works. The country's laws and regulations on labor management are mainstreamed into the EWSC's labor management policies and procedures.

Direct project workers: the project will employ consultants and contractors. Terms and conditions of these consultants and contractors will be guided by the national labour laws and regulations as well as the requirements of ESS2.

The labour requirements for project implementation is mainly divided into two stages; namely:

- Design and tendering stage
- Construction and handover stage

The table below presents the timing and the sequencing of labour requirements.

Table 2

<b>Nhlangano Siphambanweni Water Supply Project</b>						
	<b>Labour Engaged</b>	<b>Timing (months)</b>				
<b>Stage 1 - Design and Tendering</b>						
Procurement of consultant	18	4				
Designs and tender documents	18		6			
Tendering	18			6		
<b>Stage 2 – Construction</b>						
Construction	347				24	
Defect Liability Period	25					12

Labour that will be engaged for design and supervision will be from the implementing Agent, EWSC, or from the consultant that will be recruited. The EWSC personnel that will be engaged on the project as indicated earlier will be involved from project inception to completion. Labour for construction stage will be from EWSC, consultant and the contractors. The EWSC will be doing overall project management, consultants will be supervising the works and the contractor will be doing the actual works.

The procurement of both the consultant and the contractor will follow the international competitive bidding process. This will present an opportunity for international firms and international experts to partake on the implementation of the project. Recruitment of foreign professional is likely to be for specialised skills requiring highly experienced personnel such as a Project Leader and the Contracts Manager. Some Engineers are also likely to be international, see Table 1 above.

The engagement of the estimated number of labour during the construction (estimated to be 355) will be gradual as the project construction gain its momentum and they will be gradually reducing towards the completion of the project. The peak is estimated to be between the sixth month and the eighteenth month into the project. This labour, estimated to be 347 during the construction phase of the project would be from EWSC, consultants and contractors. The majority of the labour will be hired by the contractor and the consultant and very few will be from EWSC.

## 2. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The project will be mainly to extend the Nhlngano water supply system to Siphambanweni area in the Shiselweni region. The project will comprise the following:

- Laying of pipes
- Construction of valve chambers
- Construction of storage reservoirs
- Construction of booster pump station
- Construction of water kiosks
- Construction of sanitary facilities
- Concrete works

There will be a CMP prepared by the environmental consultant, which the contractor must comply with and it will indicate all risk and mitigation measure to all the identified social and labour risks. The main labour risks associated with the project are assessed to be related to the potentially hazardous work environment, the associated risk of accidents for workers engaged on the project and the community at large and labour influx. Based on current conditions in the sector it is assessed that the risk of child or forced labour is negligible, and already managed through national legislation and EWSC corporate requirement. However, child labour will be mitigated through certification of labours' age. This will be done using national identification documents, passports, birth certificates. In the absence of these documents a letter from a chief will be acceptable. There are three mains categories of risk:

1. **Community health and safety.** The risk is associated with the potential for unprotected worksites, management of traffic and labour management. While a substantial number of jobs will be created, it is not expected that the Shiselweni area will experience substantial labour influx as most of the skills required by contractors can be sourced locally. EWSC's existing operational procedure is to mandate and localize the economic benefits and only allow for outside, including expatriate labour, where there is a requirement for special skills. External workers, expat and national, will be accommodated at existing housing in the area, such as Nhlngano town houses that are normally rented out for such purposes, which has been prior practice by EWSC in similar projects. There will be no dedicated camps established for worker accommodation in the project. Specific requirements to manage risks associated with labour influx, related to interaction between project workers and local communities, such as communicable diseases and gender-based violence, are managed through contractual requirements, code of conduct and training set out in this document. These procedures are guided by national legislation and ESS2 and ESS4. These requirements will be dealt with through the CMP and workers codes of conduct for EWSC and contractor staff.

2. **Occupational health and safety.** The risk may be accidents of falling into farrows or heights, as there will be reservoir construction that will be more than 5m high, collapsing of deep excavations like deep trenching, etc. The risks register will be developed for the project and be updated during the implementation of the project. Mitigation measures will be placed for all identified risks in the CMP. Specific requirements to manage health risks associated with interaction of project workers and local communities, such as communicable diseases and gender-based violence, are managed through contractual requirements, code of conduct, awareness raising, and training set out in this document. These procedures are guided by national legislation and ESS2 and ESS4.
3. **Labour influx.** Construction activities under component 1 will result in job creation but it is not expected that the Shiselweni area will experience any substantial labour influx. Thus, EWSC will minimise the risk of labour influx by requesting contractors to prioritise recruitment of unskilled local labour in the project areas consequently, no labour camps will be established. However, the project will recruit a few external workers with specialised skills, who will be accommodated in local hotels or lodges. This has been a practice by EWSC in previous and similar projects.

In the event an employee is injured at work, the incident will be handled according to the applicable laws including the Workman Compensation Act. It is a requirement that a contractor submit his certificate of good standing with the Ministry of Labour and this meets requirement under ESS2.

### **3. BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS**

There are three main legislations in Eswatini which regulate the terms and conditions of employment in Eswatini namely; **The Employment Act 5, 1980, The Industrial Relations Act 2000 (as amended)** and the **Wages Act 16, 1964**.

The Employment Act provides for the basic conditions of employment with a view of improving the status of employees in Eswatini. The Act makes it mandatory for employers to furnish employees with written particulars of employment stating, hours of work, wages, leave entitlements, job description, grievance procedure, benefits if any etc. It further mandates the Ministry responsible to issue Wages Regulations on a regular basis, which deals with worker's terms and conditions of each particular industry. It is in this legislation where you will find provisions regulating;

- Contracts of employment
- Leave entitlements, i.e. annual leave, sick leave, maternity leave and compassionate leave
- The protection of wages (prohibition against unlawful deductions)
- Retrenchment procedures
- Fair and unfair reasons for termination of employment

The Industrial Relations Act 2000 (as amended) on the other hand is the main Act, which provides for the collective negotiation of terms and conditions of employment in the workplace (i.e. negotiations between employers and trade unions and the dispute resolution mechanism). There are three specialized forums for dealing specifically with labour issues in Eswatini, the Conciliation Mediation and Arbitration Commission (CMAC), The Industrial Court and the Industrial Court of Appeal.

The Wages Act 16, 1980 deals specifically with the minimum wages and basic terms and conditions of employment in virtually all sections of economic activity in Eswatini, be it in retail, manufacturing, agriculture or building and construction industry.

EWSC requires Contractors to comply with the most current Wages Regulations Order for Building and Construction as issued by the Minister from time to time.

#### **4. BRIEF OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY**

The **Occupational Health and Safety Act 9, 2001** provides for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace and to provide for other matters incidental thereto. This Act entrusts the employer with the obligation to ensure the safety and health of all its employees, and also to mitigate risks of exposure to any hazards in the workplace.

The legislation makes it mandatory for employers to provide personal protective clothing or equipment to employees exposed to wet, dusty, noisy or any conditions that might expose the employees to harsh or dangerous conditions. Employees are to be trained to perform their work in order to avoid exposure to danger or injury and to be informed of any known hazards or diseases associated with the work they do.

Measures relating to OHS will include awareness raising and guidance on how to prevent accidents at work place. This align with the requirements of ESS2 and national laws and regulations on OHS and work place conditions if gaps exist for instance in the legal framework or in enforcement

#### **5. RESPONSIBLE STAFF AND PROCEDURES**

Engagement of labour/staff to the project will either be on secondment basis from EWSC, employed for the project on contract basis by EWSC or other players like consultant for design and supervision or contractor/subcontractors for the works contract. Consultant for design and supervision and the contractor for works will be hired following the ESS 2. The contract document will have clauses related to the occupational health and safety (OHS) on the project and this is

normally clause 6 of the contract document. Additional requirements, reflecting this LMP will be appended in the CMP. Where critical risks are identified related to a contract, issues identified in the CMP may be specifically outlined as contractual clauses. Additionally, responsibilities and oversight mechanisms will be further detail in the approved Project ESMP.

EWSC's Project implementation team working with the consultants (environmental consultant and engineering consultant) has the overall responsibility to oversee all aspects of the implementation of the LMP, in particular to ensure contractor compliance. EWSC will address all LMP aspects as part of procurement for works as well as during contractor induction. The contractor is subsequently responsible for management in accordance with contract specific CMPs, implementation of which will be supervised by EWSC's Project implementation team on a monthly basis or at shorter intervals as defined by specific CMPs. The detailed approach is described in the following sections.

**Occupational Health and Safety.** Contractors must engage a minimum of one safety representative. Smaller contracts may permit for the safety representative to carry out other assignments as well. The safety representative ensures the day-to-day compliance with specified safety measures, compliance to the CMP and records of any incidents. Minor incidents are reported to EWSC on a monthly basis, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank; major issues are flagged to the World Bank immediately. The contractor is expected to submit monthly report that indicated the record of incidences/accidents on the project.

**Labour and Working Conditions.** EWSC's contractors normally develop series of management plans and procedures for various aspects of the construction projects, covering quality, environment, safety management, worker management etc. Therefore, contractors will keep records in accordance with specifications set out in this LMP. EWSC may at any time require records to ensure that labour conditions are met. The Project implementation team will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.

**Worker Grievances.** Grievance redress mechanisms for EWSC workers are embedded in EWSC's existing labour management system. EWSC's procedures currently in place will remain for EWSC's staff engaged in the Project. Contractors will be required to present a worker grievance redress mechanism which responds to the minimum requirements in this LMP. Any kind of grievances raised by the workers will be timely redressed and the complaint will be informed of the resolution. The Project implementation team's Social Officer will review records on a monthly basis. Where worker concerns are not resolved, the national system will be used as set out in the section, but the Project implementation team will keep abreast of resolutions and reflect in quarterly reports to the World Bank. Addressing of worker's grievances is further detailed in

section 9 of the LMP. Contract workers will be notified about the grievance mechanism and sensitisation will continue throughout project implementation through posters and regular meetings.

**Additional Training.** Contractors are required to, at all times, have a qualified safety officer on board. If training is required to up-skill existing safety officer's qualifications, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. EWSC will however procure for training to address risks associated with labour influx and the related community health and safety. A schedule will of required trainings will form part of the CMP. The contractor will be obligated to make staff available for any EWSC required training, as specified in the CMP.

## **6. POLICIES AND PROCEDURES**

EWSC policies are reviewed every three years. After review, all staff are made aware of all policies and all policies are also posted on the EWSC Intranet to be accessed by employees. The education of the policies is done in SiSwati language for the understanding of lower level employees. As part of induction, new employees are educated on the policies and snips of the 'important' policies are also included on the orientation booklet given to all new employees at induction. Managers are also expected in their monthly meetings with their teams to continue to create awareness on the policies. A similar process is followed for EWSC procedures where they are documented and are posted on the intranet and are available to all employees who have access to the intranet. Procedures are educated to employees at induction and also during departmental meetings. (? Not sure if I understood this correctly so please delete or edit if required) .

Most environmental and social impacts of subprojects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. As a consequence, ensuring that contractors effectively mitigate project activities related impacts is the core of the Project's approach. EWSC will incorporate standardized environmental and social clauses in the tender documentation and contract documents, in order for potential bidders to be aware of environmental and social performance requirements that are expected of them, are able to reflect that in their bids, and required to implement the clauses for the duration of the contract. EWSC will enforce compliance by contractors with these clauses.

As a core contractual requirement, the contractor is required to ensure all documentation related to environmental and social management, including the LMP, is available for inspection at any time by the EWSC or EWSC appointed agents. The contractual arrangements with each project worker must be clearly defined in accordance with Eswatini law. All environmental and social requirements will be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Projects environmental and social instruments or the CMP.

Under no circumstances will EWSC, the Ministry, Contractors, suppliers or sub-contractors engage forced labour. Forced labour includes bonded labour (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 on a non-voluntary basis.

## **Occupational, Health and Safety**

EWSC is committed to:

1. Complying with legislation and other applicable requirements, which relate to the company's occupational health and safety hazards.
2. Enabling active participation in OH&S risks elimination through promotion of appropriate skills, knowledge and attitudes towards hazards.
3. Continually improving the OH&S management system and performance.
4. Communicating this policy statement to all persons working under the control of EWSC with emphasis on individual OH&S responsibilities.
5. Availing this policy statement to all interested parties at all EWSC facilities and sites.

Under current EWSC rules, any contractor is required to have at least one Safety, Health and Environmental Representative for the workplace or a section of the workplace for an agreed period in accordance with Section 14 of the Eswatini Occupational Safety and Health Act (2001). At a minimum, the Representative must:

- a) Identify potential hazards;
- b) In collaboration with the employer, investigate the cause of accidents at the workplace;
- c) Inspect the workplace including plant, machinery, substance, with a view to ascertaining the safety and health of employees provided that the employer is informed about the purpose of the inspection;
- d) Accompany an inspector whilst that inspector is carrying out the inspector's duties in the workplace;
- e) Attend meetings of the safety and health committee to which that safety and health representative is a member;
- f) Subject to (g), make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- g) 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.

In accordance with these provisions, and to avoid work related accidents and injuries, the contractor will:

- Provide occupational health and safety training to all employees involved in works. Provide protective masks, helmet, overall and safety shoes, and safety goggles, as appropriate.
- Provide workers in high noise areas with earplugs or earmuffs.
- Ensure availability of first aid box.
- Provide employees with access to toilets and potable drinking water.
- Provide safety and occupational safety measures to workers with Personal Protection Equipment PPE when installing pumps to prevent accidents during replacement and installation and follow safety measures in installing submersible pump and cleaning the raiser pipes.
- Properly dispose of solid waste at designated permitted sites landfill allocated by the local authorities and cleaning funds; and attach the receipt of waste from the relevant landfill authority.
- Carry out all procedures to prevent leakage of generator oil into the site.
- Ensure that the head of the well is covered tightly.
- Provide secondary tank for oil and grease to avoid spills.

Further to enforcing the compliance of environmental management, contractors are responsible and liable of safety of site equipment, labours and daily workers attending to the construction site and safety of citizens for each subproject site, as mandatory measures.

### **Community Health and Safety**

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

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

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 English and SiSwati.

Contractors must address the risk of gender-based violence, through:

- Mandatory training and awareness rising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated;
- Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence which is prosecuted;
- Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence;
- Developing a system to capture gender-based violence, sexual exploitation and workplace sexual harassment related complaints/issues. This process will be under the portfolio of the Social Standards Officer who shall identify and engage the relevant stakeholders on GBV and HIV and Aids issues.
- Provisions for handling of GBV in the GRM
- Bidding documents to reflect the findings of the ESIA, and the requirements of the ESMP, to cater for GBV and overall ESHS risks

## 7. AGE OF EMPLOYMENT

The Country ratified both the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labour Convention (C182) in 2002. It also signed the African Charter on the Rights and Welfare of the Child in 1992, but has not yet ratified it. Section 97 of the Employment Act applies minimum age protections to children working in industrial undertakings, but it does not cover children working in domestic and agricultural work. Similarly, Section 246 of the **Children's Protection and Welfare Act 6, 2012** prohibits hazardous work for children under the age of 18 in industrial undertakings, including in mining, manufacturing, and electrical work.

The minimum age of employment for this project shall be 18 years and to ensure compliance, all employees will be required to produce National Identification Cards as proof of their identity and age which is the national identification document required for employment.

If any contractor employs a person under the age of 18 years, that contractor will not only be terminated by EWSC but also be reported to the authorities. Section 248 of the **Children's Protection and Welfare Act** states that any person who employs under age children will be liable on conviction to a minimum fine of E100,000 or 5 years' imprisonment or both for a first offender. For a second offender, it is imprisonment of not less than 10 years.

## 8. EWSC LABOR MANAGEMENT PROCEDURES (TERMS AND CONDITIONS)

As stated in section 3 of this LMP the terms and conditions of employment in Eswatini are governed by the provisions of **The Employment Act 5, 1980**. Section 22 of the Act makes it mandatory for employers to give its employees a copy of the written particulars of employment (Appendix 2), signed by both parties within six weeks of employment. This requirement however

is not applicable to employees engaged for a fixed period of less than six weeks or anyone expected to work less than 21 hours per week. For this project, contractors will be required to provide all its employees with written particulars of their employment, including those excluded by the provision of S.22 and casual employees.

Contractors will also be required to comply with the most current Regulation of Wages Order for the Building and Construction Industry, which is issued by the Government and reviewed on a regular basis. The Wages Order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and Subsistence Allowances and the issue of protective clothing.

Section 136 of the Act states that before a contractor is awarded a public contract, that contractor is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favourable than those contained in the most current wages regulation issued by the Labour Commissioner. Where a contractor fails to comply with this requirement, Section 143 states that the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the Labour Commissioner.

In ensuring full compliance with the law in this regard, contractors will be required to furnish EWSC with copies of the Written Particulars of Employment or copies of contract of its entire workforce. Contractors will not be allowed to deploy any employee to work in the project if such copy of employment of that employee has not been handed to EWSC.

As a monitoring mechanism, Section 139 of the Act provides that a contractor shall not be entitled to any payment unless he has filed, together with his claim for payment, a certificate: - a) stating whether any wages due to employees are in arrears; b) stating that all employment conditions of the contract are being complied with. Section 141 authorizes the office of the Labour Commissioner to 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. However, for this project, it will be a material term of the contract to allow EWSC to withhold payment from contractor should the contractor not fulfil their payment obligation to their workers.

The EWSC has a grading system of paying its employees. The Eswatini Water Services Corporation is an essential Service and provides its services 24 hours all days of the week.

Working hours for staff working on depots:

Monday - Thursday	0730am-1300hrs	1400-1630
Friday	0730am-1300hrs	1400-1630

Working hours for administrative staff:

Monday - Thursday	0800am-1300hrs	1400-1645
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Friday

0800am-1300hrs

1400-1630

Time worked above the normal working hours is paid as overtime for employees in lower grades. For employees in supervisory/ management positions they may take time off in lieu of the hours worked as overtime. Overtime worked on Sundays and holidays is paid at a rate of two times the time worked and on other days when it is paid at a rate of one and a half times.

### **Workers' Organization**

The country has ratified numerous ILO Conventions aimed at ensuring that member states do protect the notion of collective bargaining. These Conventions include - ILO Convention 87 on Freedom of Association and Protection of the Right to Organize and the ILO Convention 98 on the Right to Organize and Collective Bargaining. Section 32 (2) of The Constitution of Swaziland, 2005 on the Rights of Workers, guarantees all workers of their right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker; and collective bargaining and representation. The Industrial Relations Act 2000 (as amended) was enacted to give effect to collective bargaining, amongst other purposes. Section 4 (c) to (e) of the Act allows for the collective negotiation of terms and conditions of employment.

EWSC acknowledges the right of employees to belong to a trade union of their choice and the right to freedom of association. In this regards EWSC has negotiated and concluded with Eswatini Water Services Staff Association (EWSSA) and Swaziland Water Services and Allied Workers Union (SWAWUSAWU) a Recognition and Procedural Agreement and regular Collective Agreements on Salaries and Conditions of Service. Employees on lower grades (From grade A1 to D2) are eligible to join the Union, currently about 475 employees fall, within the bargaining unit of the union. Employees at supervisory/management positions (From grade D3 to E1) are eligible to join the Staff Association (EWSSA); about 67 employees are eligible to join the Staff Association. Every employee's employment contract states the bargaining unit they are eligible to join.

### **9. GRIEVANCE MECHANISM**

EWSC workers grievances and disciplinary cases are handled according to the procedures detailed below. For contracted employees it is handled by by contractors. The contractors are normally required to forward their procedures which are checked (by who, can perhaps specify) for conformity with applicable national legislation. EWSC will ensures that these polices are explained to all staff engaged in the project.

## EWSC GRIEVANCE PROCEDURE AND DISCIPLINARY PROCEDURES

The Board of Directors of EWSC recently approved the Corporation policies, which includes the Employee Relations Policy and Procedures. In terms of the policy EWSC commits to promote and maintain a good, sound and harmonious relationship between management and the employees. Through continuous engagement of the parties, EWSC commits to provide guidance for the day-to-day employee relations, in order to conduct the business of the Corporation successfully. To this end, EWSC has put in place processes for negotiation, consultation, communication, discipline, avoidance and settlement of disputes and grievances, which appear hereunder:

### DISCIPLINARY PROCEDURE

The disciplinary Code accordingly describes the steps, which may be taken by the Corporation to effect disciplinary measures should an employee commit an offence. It also emphasised that discipline is aimed at correction, prevention and rehabilitation rather than punishment except in cases of serious offences, which justify dismissal at first instance. The misconduct is therefore classified into two (2) types namely, minor misconduct and major misconduct. What constitute minor and major misconduct shall be defined in the CoC. The former is normally handled by the employee's immediate supervisor through counselling and progressive discipline in the following instances, a single misconduct which is a minor breach of the Code; a single act of bad workmanship or poor work performance; and/ or a repeated poor performance. The latter deals with offences, which are considered to be very serious, and if discovered or reported, a formal disciplinary hearing must be held.

In the event that a formal disciplinary hearing is required the employee is first given an opportunity to explain why a disciplinary hearing should not be held against him and if the response is not satisfactory he is given a notification of investigation which must take not more than two (2) weeks except in exceptional circumstances. Thereafter the employee is informed of the disciplinary hearing in the event that the investigation unearths irregularities.

In the hearing the employee has the following rights which are read to him by the chairperson before the hearing commences, these rights are also incorporated in the letter inviting him for the disciplinary hearing, these are the right to an interpreter where applicable; the right to be present and to present evidence yourself; the right to representation by not more than two fellow employees or trade union/staff association official/shop steward of the Eswatini Water Services Cooperation; the right to call witnesses; the right to cross examine Corporation witnesses; the right to a finding (guilty or not); the right to be advised of the penalty imposed (if found guilty); the right to submit mitigating factors; and the right to an appeal.

## APPEALS PROCEDURE

The employee has a right to appeal the decision of the chairperson in the event that the employee is not happy with the outcome within five working days of receipt of the sanction. An employee who lodges an appeal has the following rights: to be represented by a representative of his choice who can assist him in preparing and submitting the appeal grounds; to be heard and to be given adequate opportunity to state and argue his appeal grounds, including the calling of witnesses, if necessary and appropriate; All the other relevant rights that an employee normally has during a formal disciplinary hearing.

## GRIEVANCE PROCEDURE

The objective of the grievance procedure is to ensure that all employees have an avenue through which they can air their grievances without fear of discrimination or victimization. It is the responsibility of the employee to raise the grievance timeously and in accordance with the grievance procedure during working hours. All grievances shall be resolved as soon as possible within the time constraints specified in the grievance code i.e. within five (5) working days of being lodged.

There are two types of grievances namely individual and group grievances recognized at EWSC. The employee (s) are encouraged to first discuss verbally the grievance with the immediate supervisor to explore if the matter can be resolved amicably before invoking the formal procedure in both types of grievances. The Grievance procedure provides for escalation of the grievance to the MD's level in the event that is not satisfied with the outcome. The appeal to the MD marks the end of the internal grievance process thereafter if the employee is not satisfied with the outcome of the grievance from the MD's office, he may report a dispute with the Conciliation Mediation Arbitration Commission (CMAC) within the stipulated time frame.

It is worth pointing out that because EWSC is an essential service provider, the Commission is required by law to attempt to resolve the Corporation's grievances within seven (7) days from the date it was reported as the employees are not allowed to engage in a strike action and likewise the employer cannot effect a lock out.

These procedures are educated to employees at induction and during departmental meeting. The Union and the staff association are also expected to educate their members on these policies.

## **Gender Policy**

The Gender policy seeks to ensure greater consistency of gender principles and practices across SWSC and to provide an accountability framework in relation to gender, against which all staff can track progress made towards mainstreaming gender and against which SWSC will measure itself.

The gender policy goal is to create an enabling & inclusive environment that promotes gender equity within the organisation and ensures that women and men have equal employment opportunities, are treated fairly and work to eliminate all forms of discrimination against women.

Policy Objectives is:-

- To facilitate the mainstreaming of gender across all SWSC departments, levels and projects.
- To provide guidelines to SWSC personnel in policy-making, formation and planning, designing and implementation of projects and services in a gender sensitive manner.
- To create an empowering work environment within SWSC which enables women and men to work together in an equitable, effective and mutually respectful manner.

## **10. CONTRACTOR MANAGEMENT**

During construction, a contractor will be appointed following international bidding. The tender and the contract document will have contractual clauses that clearly state the engagement of staff and labour. This clause, normally clause 6 in contracts document addresses the following: -

- Engagement of staff and labour,
- Rates of wages and condition of labour,
- Persons in the service of employer,
- Labour laws,
- Working hours,
- Facilities for staff and labour,
- Health and safety,
- Contractors' superintendence,
- Contractors' personnel,
- Records of contractors' personnel and equipment,
- Disorderly conduct,
- Foreign Personnel,
- Supply Foodstuffs,
- Supply of Water,
- Measures against Insect and Pest Nuisance,
- Alcoholic Liquor or Drugs,
- Arms and Ammunition,
- Festivals and Religious Customs,
- Funeral Arrangements,
- Forced Labour,
- Child Labour,

- Employment Records of Workers,
- Workers Organisations,
- Non-Discrimination and Equal Opportunities.

EWSC requires that contractors monitor, keep records and report on terms and conditions related to labour management. The contractor must provide workers with evidence of all payments made, including social security benefits, pension contributions or other entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to EWSC and the World Bank:

- **Labour conditions:** records of workers engaged under the Project, including contracts (see Appendix 2 for Eswatini requirements), registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.
- **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).
- **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child labour is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- **Training/induction:** dates, number of trainees, and topics.
- **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
- **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken—grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

## 11. COMMUNITY WORKERS

There will be no community workers for component 1. All labour engaged will be hired and paid according to the country legislation. Local communities will be given priority in hiring of general labour for the project. On completion of the project, there will be community workers that will be operating the water kiosks. These workers will operate as small entrepreneurs as they will be operating the kiosks as small business.

There will be some community workers for component 2 of the project. The community workers under the sanitation component will include the wash committees, development council, Rural Health Motivators. All of these community workers are nominated at community level and they are involved in all development projects in their areas.

## **12. PRIMARY SUPPLY WORKERS**

During the implementation of the project, the awarded contractors will purchase materials at their own preferred suppliers. For selected materials, EWSC will inspect the suppliers for quality monitoring purpose but for some materials, the contractors will be required to provide datasheets for the materials only.

## Appendix 1: Comparative Table of ESF and National Objectives and Requirements

ESF Objectives	National Requirements	Recommended Actions
<b>ESS 2 Labour and Working Conditions</b>		
<ul style="list-style-type: none"> <li>To provide every employee with written particulars of employment</li> </ul>	<p><b>The Employment Act 5, 1980</b></p> <p><b>S.22</b> – makes it mandatory for the employer to give each of its employees a copy of the written particulars of employment, signed by both parties within six weeks of commencement of the employment. This requirement is not applicable to employees engaged for a fixed period of less than six weeks or anyone expected to work less than 21 hours per week.</p> <p><b>S.30</b> – makes it an offence to provide an employee with such form with fine of not more than E3,000 or imprisonment of not more than 1 year or both.</p> <p><b>S.136</b> – requires that before a contractor is awarded a public contract, that contractor is required to certify in writing that the wages, hour and conditions of work or persons to be employed by him on the contract are not less favourable than those contained in the most current wages regulation issued by the Labour Commissioner.</p> <p><b>S.143</b> - states that the contract with the contractor may be withdrawn as an approved contractor upon recommendations of the Labour Commissioner.</p>	<ul style="list-style-type: none"> <li>Post award, the contractors will be required to furnish EWSC with copies of the Written Particulars of all its employees or Contracts of employment including those who work below 21 hours a week as casual employees?</li> <li>The contract employment shall at least have the information contained in the prescribed template of the Form Contained in the Second Schedule as can be seen in Appendix 2</li> <li>Each contractor will be required to provide EWSC with such information as required in terms of S.136 as part of the tendering process.</li> </ul>
<ul style="list-style-type: none"> <li>To promote safety and health at work.</li> </ul>	<p><b>The Occupational Safety and Health Act 9, 2001</b></p> <p>- This Act provide for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace and to provide for other matters incidental thereto.</p>	<ul style="list-style-type: none"> <li>Each contractor will be required to have a OHS Officer and First Aider</li> <li>Contractors required to keep logs of incidents and should be reported and investigated regularly.</li> <li>EWSC will conduct induction talks to workers and contractors weekly</li> </ul>

- **S.9** – entrusts the employer to ensure the safety and health of all its employees, and also to;
- Mitigate risks of exposure to danger of its workforce;
- Provide personal protective clothing or equipment to employees exposed to wet, dusty, noisy or any conditions that might expose the employees to harsh or dangerous conditions;
- To train its workers to perform their work in order to avoid exposure to danger or injury; and
- to inform employees of any known hazards or disease associated with the work.

**The Factories, Machinery and Construction Works Act 17, 1972**

- This legislation provides for the registration of factories and the regulations of working conditions and the use of machinery at factories, construction works and other premises and for matters incidental thereto
- The Act mandates the office of the Labour Commissioner to monitor and inspect any working environment or structure to determine its suitability.
- The office of the Labour Commissioner is also required to investigate incident or accident involving any person injured in connection with the activities of the employer.

**The Workman's Compensation Act 7, 1983**

- it provides for the compensation and medical treatment of workmen who suffer injury or contract diseases in the course of their employment.
- The scope of its application extends to not an injury or accident that occurs within the workplace but also while the employee is travelling by reasonable means and within any reasonable route between the workplace and his place of residence

	<p>- In terms of the Act, Workman is any person who has entered into the works under the contract of service or of apprenticeship or of traineeship whether the contract is express or implied, is oral or in writing whether the remuneration is calculated by time or work done.</p>	
<ul style="list-style-type: none"> <li>To promote the fair treatment, non-discrimination and equal opportunity of project workers.</li> </ul>	<p><b>The Employment Act 5/1980</b></p> <p><b>S.29</b> – prohibits employers from discriminating against any person on grounds of race, colour, religion, marital status, sex, national origin, tribal or clan extraction, political affiliation or social status</p> <p><b>S.30</b> – makes it an offence to discriminate against any person as envisaged in <b>S.29</b>. Such employer if found guilty shall be liable on conviction to a fine not exceeding E3,000 or imprisonment not exceeding 1 year or both.</p> <p><b>S.96</b> – mandates employers to accord female employees the same treatment as their male counterparts in the workplace and also pay them ‘equal pay for equal work’.</p>	<ul style="list-style-type: none"> <li>Contractors will be required to comply with national legislation when recruiting</li> </ul>
<ul style="list-style-type: none"> <li>To prevent the use of all forms of forced labour</li> </ul>	<p><b>The Employment Act 5, 1980</b></p> <p><b>(Part XIV) – Forced Labour</b></p> <p><b>S.144</b> – prohibits all works or service, which is extracted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily.</p> <p><b>S.147</b> – states that, if any person acting in an official capacity coerces any person under his charge, that person shall be held personally liable and shall be liable to a fine not exceeding E3,000 or imprisonment not exceeding one year or both.</p>	<ul style="list-style-type: none"> <li>Contractors will be required to comply with national legislation and as precautionary measure EWSC will conduct an induction</li> <li>Random inspection will be done on a regular basis to ensure compliance</li> </ul>
<ul style="list-style-type: none"> <li>To prevent the use of all forms of child labour</li> </ul>	<p>The Country ratified both the ILO Minimum of Age Convention (C138) and the ILO Worst Forms of Child Labour Convention (C182) in 2002. It also signed the African Charter</p>	<ul style="list-style-type: none"> <li>Contractor will be prohibited to employ anyone under the age of 18 years.</li> </ul>

	<p>on the Rights and Welfare of the Child in 1992, but has not yet ratified it.</p> <p><b>The Employment Act 1980</b></p> <p><b>S.97</b> – Prohibits the employment of children below the age of 15.</p> <p><b>The Children’s Protection and welfare Act 6, 2012</b></p> <p><b>S.234</b> – Minimum age of engagement for children is 15</p> <p><b>S.236</b> – children below the age of 18 cannot be engaged in any form of hazardous employment</p> <p><b>S.248</b> – any person who employs under age children I liable on conviction to a minimum fine of E100,000 or 5 years’ imprisonment or both for a first offender. For a second offender, it is imprisonment of not less than 10 years.</p>	<ul style="list-style-type: none"> <li>• Monitoring will be done through the National ID system that every employee is required to produce on employment.</li> <li>• If a contractor is found to have engaged under age kids for the project: - a formal case will be reported to the police and the contract will be terminated</li> </ul>
<ul style="list-style-type: none"> <li>• To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.</li> </ul>	<p>The country has ratified the numerous ILO Conventions aimed at ensuring that member states do protect the notion of collective bargaining. These Conventions include; ILO Convention 87 on Freedom of Association and Protection of the Right to Organize and the ILO Convention 98 on the Right to Organize and Collective Bargaining. Section 32 (2) of <b>The Constitution of Eswatini, 2005</b> on the Rights of Workers, guarantees all workers of their right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker; and collective bargaining and representation. The Industrial Relations Act 2000 (as amended) was enacted to give effect to the collective bargaining, amongst other purposes. Section 4 (c) to (e) of the Act allows for the collective negotiation of terms and conditions of employment.</p>	<ul style="list-style-type: none"> <li>• Contractors need to inform their workers of their right to organize.</li> <li>• The Written Particulars of Employment as prescribed by S.22 of the Employment Act 1980 allows employee to state the trade union they are affiliated to on employment.</li> </ul>

	<p>Part 4 of <b>The Industrial Relations Act 2000 (as amended)</b> deals with the registration and/or formation of Employee, Staff and Employer Organizations, Federations and International Organizations. In terms of S. 26 (3) of the Act a minimum of six employees can form a trade union by obtaining a Certificate of Registration through the office of the Labour Commissioner (S.27). Once registered, a trade union can recruit any employees who fall within its bargaining unit with that particular employer. S.42 (9) states that once the union has recruited more than fifty percentile of the employees in respect of which it seeks recognition, the union can then apply for recognition with the employer. The employer is obliged to recognize the trade union if it meets the required threshold. If, however the union membership is below the threshold the employer is not obliged to recognize the union but can exercise its discretion. Once a union is recognized, it has the right to bargain or negotiate for and on behalf of its members and also to represent them at the workplace.</p>	
<ul style="list-style-type: none"> <li>• To provide project workers with accessible means to raise workplace concerns.</li> </ul>	<p>In implementing an effective dispute management system consideration must be given to the disputed resulting from the following:</p> <ol style="list-style-type: none"> <li>1. Disciplinary action</li> <li>2. Individual grievances</li> <li>3. Collective grievances</li> <li>4. Negotiation of collective grievances</li> </ol> <p><b>1. <u>Disciplinary Procedure</u></b></p> <p><b>The Code of Good Practice: Resolution of Disputes at the Workplace</b> which is in terms of S.109 of <b>The Industrial Relations Act 2000 (as amended)</b> at Clause 4.2 requires employers to establish a fair and effective disciplinary procedure in the workplace, which should be in line with Clause 11 (Fair Procedure). The procedure is as follows: -</p>	<ul style="list-style-type: none"> <li>• Contractors will be required to comply with national legislation in this regard.</li> <li>• Contractors will be required to have a grievance procedure and inform workers of the same during induction</li> <li>• EWSC will require contractors to log worker's grievances in monthly reports.</li> </ul>

- a) Conduct an investigation to determine whether there are grounds for a hearing to be held;
- b) If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c) The employee is to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d) The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e) If an employee fails to attend the hearing the employer may proceed in with the hearing in the absence of the employee;
- f) The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative;
- g) A dismissed employee must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal to the Conciliation, Mediation and Arbitration Commission (CMAC).

**2. Individual Grievance Procedure**

**Clause 4.3** requires every employer to have a Formal Grievance Procedure, which should be known and explained to the employee.

The Code recommends that such procedure should at least:

- a) Specify to whom the employee should lodge the grievance;
- b) Make reference to time frames to allow the grievance to be dealt with expeditiously
- c) Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level.
- d) If a grievance is not resolved the employee has the right to lodge a dispute with CMAC.

	<p><b>3. <u>Collective Grievances and Disputes resulting from the negotiations of Collective agreements</u></b></p> <p><b>Clause 4.4</b> and <b>4.5</b> of the Code deals with the handling of collective grievances as raised by the employees. This procedure is usually contained in the Recognition Agreement the parties sign from the onset.</p> <p>What is common to these disputes is that in the event the parties fail to resolve the dispute, either can lodge a dispute with CMAC and subsequently the Industrial Court.</p>	
<p>To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.</p>	<ul style="list-style-type: none"> <li>• <b>S.20 of the Constitution</b> guarantees citizens the right to equality before the law in all spheres and it further affirms that a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability.</li> <li>• <b>S.29 of The Employment Act 1980</b> states that, no employer shall discriminate against any person or between employees on grounds of race, colour, religion marital status, sex national origin, tribal or clan extraction, political affiliation or social status.</li> <li>• <b>Community Workers</b> are not used by EWSC and will not be used for this project</li> <li>• <b>Rights of woman – S28(1) of The Constitution</b> guarantees the rights of woman to equal treatment with men including equal opportunities in political economic and social activities.</li> <li>• <b>S.96(1) of The Employment Act 1980</b> also requires employers not to discriminate between male and female employees by failing to pay equal pay for equal work.</li> <li>• <b>Primary Supply Workers</b> - Registered suppliers are subject to regular review in accordance with EWSC by the Commercial Services Department. The review is carried out twice annually and requires a Commercial Services Officer visit the supplies premises. The supplier evaluation form provides Commercial Services to observe any labour irregularity.</li> </ul>	<ul style="list-style-type: none"> <li>• EWSC will also ensure, that when/if any primary supplier to the project report fatalities or serious injury, and informs government authorities in accordance with national reporting requirements.</li> <li>• National legislation will be applied however, the World Bank standards will be enforced where there are gaps. The higher standard between the national legislation and World Bank standards will always prevail in case of uncertainty in applicable policy/requirements</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>S.2</b> read with <b>S.16 (7)</b> of <b>The Industrial Relations Act 2000</b> states that where it is found that the reason for the termination of an employee's services is that the employer discriminated against an employee directly or indirectly, that employee shall be awarded compensation of not more than 24 months' remuneration calculated at the rate of the employee's rate of remuneration at the time of dismissal. This compensation serves as a deterrent as is it double the amount of compensation awarded to any other form of compensation.</li> </ul>	
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ESF Objectives	National Requirements	Recommended Actions
<b>ESS 4 Community Health and Safety</b>		
<ul style="list-style-type: none"> <li>• To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project lifecycle from both routine and non-routine circumstances.</li> <li>• To promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure, including dams.</li> <li>• To avoid or minimize community exposure to project-related traffic and road safety risks, diseases and hazardous materials.</li> <li>• To have in place effective measures to address emergency events.</li> <li>• To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.</li> </ul>	<ol style="list-style-type: none"> <li><b>1. The Public Health Act, 1969</b> This Act provides for the establishment of processes to ensure public health at all phases of a project. It also provides for steps to take should there be any incident from the project affecting the public and lays out responsibilities for actions to be taken.</li> <li><b>2. The Occupational Health and Safety Act, 2001</b> This Act provides for the safety and health of both employees and the public, especially during the construction phase of proposed projects, and specifies processes to be undertaken in order to ensure that safe and health practices are adhered to and implemented at work.</li> <li><b>3. The Road Traffic Act, 2007</b> This Act provides for the compliance of all roads users and for those organizations such as EEC conducting works on and/or along public roads.</li> </ol>	<p>National requirements and ESF objectives are aligned. No significant gaps are noted. It is recommended that both World Bank ESF objectives and National Requirements apply to the project.</p>

## Appendix 2: Written Particulars of Employment

As required by Section 22 of the Swaziland Employment Act.

### SECOND SCHEDULE

(WRITTEN PARTICULARS OF EMPLOYMENT)

(Regulation)

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 employee female) .....
13. Nursing Break Entitlement (for female employee) .....
14. Notice employee entitled to receive .....
15. Notice employer required to give .....
16. Pension Schedule, Provident Fund Gratuity Schedule etc. (if any, other than SNPF) .....
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 requires to be followed when a grievance arises or disciplinary action that needs to be taken.  
.....
- (c) When any heading is inapplicable enter NIL.

.....  
Employer's signature

.....  
Witness

.....  
Employee's signature

.....  
Witness

.....  
Date

.....  
Date

### Appendix 3: Contractors SHE File Monitoring Form EWSC

Contractor Name; ..... Depot;  
 .....

**Instructions:** Tick (√) if available, put a cross (X) if unavailable. Tick (√) if there was activity, put a cross (X) if there was no activity. Tick (√) if there's evidence, put a cross (X) if there's no evidence. Make a Comment according to the changes that have taken place as reflected by availability, activity and evidence on each SHE item.

#	Monthly Checklist: SHE items	Availabl e	Activit y	Evidenc e	Comme nt
1	Exposure to EWSC IMS Policies,				
2	Valid Working Contract,				
3	Current Employee List				
4	Confirmation Letter Inc. copy of ID (per employee),				
5	Understanding of Resources, roles, responsibilities & authority,				
6	Inductions - all contractor staff				
7	HIRA & Reporting; Incidents, accidents & near misses				
8	Appointment letters; for # 9, 10, 11 below				
9	SHE Certificates; Safety Rep				
10	SHE Certificates; 1st Aider				
11	Mandatory Qualifications – as per the evaluation form				
12	Vehicles; CoF, Bluebook, Daily inspection sheet, Driver Permit				
13	Current Evaluation form,				
14	PPE: Branded & Properly worn at all times,				
15	Internal Communication; minutes showing meetings,				
16	NCR's Received and closed,				
17	Environment Management Aspects				
18	First Aid Kit: availability and usage of the form,				
19	Fire extinguisher; valid				
20	Any other				

EWSC SHE Rep .....

Signature .....

Date compiled

.....

Contractor SHE Rep ..... Signature ..... Date compiled  
 .....

**Checked by:**

**PF #:**

**Month and year:**

**Work Station:**

#	ITEM	Quantity Specified	Quantity Present in Box	Comment
1.	Adhesive elastic plasters assorted 20's	1 Box		
2.	Roller bandages-conforming 100mm	4 Rolls		
3.	Roller bandages-conforming 75mm	4 Rolls		
4.	CPR Mouthpieces	2		
5.	Cotton wool 50 gram	2 Rolls		
6.	Fabric roll plaster 25mm x3M	1 Roll		
7.	First Aid dressing No 3 100mm 75x	4		
8.	First Aid dressing No 4 200mm 150x	4		
9.	Forceps- 10cm	1		
10.	Gauze swabs 75mm x 75mm 100's	1 Packet		
11.	Gauze swabs 75mmx75mm Sterile 5's	2 Packets		
12.	Gloves-Latex Large	2 Pairs		
13.	Gloves-Latex Medium	2 Pairs		
14.	Hypoallergenic Adhesive Tape 25mm x 3M	1 Roll		
15.	Safety Pins 12 Bunch of	1 Bunch		
16.	Scissors- 10cm	1		
17.	Splints-Straight	2		
18.	Triangular Bandages	4		
19.	Wound Cleaner- CENTRIMIDE 1% 100ml	1 Bottle		

#### Appendix 4: First Aid Box Contents Checklist1

**1. Items in the first aid box are minimum contents as per the South African Occupational Health and Safety Act 85 of 1993. Checklist must be completed every month to ensure compliance with the law.**

**2. Contents should be regularly replenished by respective department**

**3. Any deficiencies should be reported to the Safety Officer or SHERQ Representative**

#### Appendix 5: Personal protective equipment (PPE) requirements Policy

## **Appendix 6: EWSC Gender Policy**