REPUBLIC OF GHANA

MINISTRY OF FOOD AND AGRICULTURE

West African Food System Resilience Program (Phase 2) (FSRP2) (P178132)

Labour Management Procedures (LMP) - Ghana

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1.0 PURPOSE OF THE LMP

This Labour Management Procedure is in line with the applicable national requirements and the World Bank Environmental and Social Standards 2 (Labour and Working Conditions) and 4 (Community Health and Safety) provisions and how the risks and issues related to labour will be managed during implementation of Phase 2 of the West Africa Food Systems Resilience Program (FSRP2) in Ghana.

The Labour Management Plans for the individual components will in due course be prepared by the relevant contractors and will be reviewed and cleared by the Supervising Consultant/PMU as appropriate.

1.1 OVERVIEW OF LABOUR USE ON THE PROJECT

1.1.1 Project Components

The FSRP2 has five components as follows:

- **Component 1: Digital Advisory Services for Agriculture and Food Crisis Prevention and Management**
    - Sub-Component 1.1 Upgrading Food Crisis Prevention & Monitoring Systems
    - Sub-Component 1.2 Strengthening Creation and Provision of Digital Advisory Services for Farmers

- **Component 2: Sustainability and Adaptive Capacity of the Food System's Productive Base**
    - Sub-Component 2.1: Adapting and adopting Innovations and Technologies for Resilient Food Systems
    - Sub-Component 2.2: Strengthening food security through sustainable practices in targeted areas

- **Component 3: Market Integration and Trade**
    - Sub-Component 3.1: Facilitate Trade Across Key Corridors and Consolidate Food Reserve System
    - Sub-Component 3.2: Support to Development of Strategic Value chains

- **Component 4: Contingent Emergency Response Component (CERC)**

- **Component 5: Project management**

1.1.2 Employment-related Project Activities

The project activities will involve three types of employment including:

(i) Direct workers - the Programme Implementation Unit (PIU), who will be directly engaged on a permanent basis;
(ii) Contracted workers through third parties, such as contractors for the construction and rehabilitation of sections of the Kpong Irrigation Scheme (KIS) and the Kpong Left Bank Irrigation Project (KLBIP) infrastructure, upgrading of three (3) national agricultural stations as well as the rehabilitation of agricultural stations. The successful consultants and contractors will also employ workers related to the construction of these facilities; and
(iii) Primary supply workers – who will be engaged by the construction company's primary suppliers. There will also be community workers involved some aspects of the Programme.

The sections below provide detailed description of the types and numbers to be potentially engaged throughout the programme life.

Sub-component 1.2: Strengthening Creation and Provision of Digital Advisory Services for Farmers

This sub-component aims to increase access to and use of location-specific information relevant to food security by decision-makers and farmers via national extension systems through capacity building and institutional strengthening activities for hydromet and agromet service providers (public and private). This will largely rely on international and national technical specialist's i.e. individual consultants and/or firms). However, the exact number of contracted workers over the life of the project for this specific sub-component is not yet known and is likely to fluctuate.

Sub-Component 2.2: Strengthen food security through sustainable practices in targeted areas

This activity is also expected to engage consultants and contractors in the construction aspect of the project as well as the provision of capacity building of beneficiaries for the operation and maintenance and coordination of the facilities. This sub-component is likely to involve direct workers and contracted workers including a small number of labourers and technicians to support the construction site preparation and for the upgrading of the agricultural stations – these may be from the local workforce which will specify the exact number of workers will be engaged in addition to international and national technical specialists/consultants and workers from consultancies (firms). The exact number of direct workers, contracted workers and primary supply workers over the life of the project for this specific sub-component is not yet known, but a rough estimate is 100-150 workers at one time including technical consultants during peak construction periods, and falling significantly after commissioning of the facilities.

Sub-component 3.1: Facilitate Trade Across Key Corridors and Consolidate Food Reserve System

The objective of this subcomponent is to support the preparation and implementation of sound regional regulations and policies to strengthen the enabling environment for an expansion of regional agricultural output and input markets. This will be achieved through support to institutions and activities that would lead to the alignment of cross border trade policies to ease trade restrictions to provide farmers and buyers access to national and regional markets. This is expected to create a number of jobs for the private sector.

Sub-component 3.2: Support to Development of Strategic Value Chains

This sub-component aims at identifying, validating, establishing and developing value chains of priority commodities/crops to ensure their integration within country and regional value chains to promote trade. Specific activities under this component will include: (i) mapping of value chain actors along selected priority commodities; (ii) nurture existing and/or support the development of operational and strategic (including local authorities) innovation platforms along selected commodity value chains to promote trade within the country and across the sub-region. This will largely involve consultants and contractors to carry out the mapping activities and development of platforms along the commodity value chains.

Component 4: Contingent Emergency Response Component

The objective of this component is to make available resources to strengthen the response capacity of the Government of Ghana (GOG) in case of emergency. This will involve the establishment of a technical committee consisting of relevant government agencies responsible for emergency crises management to respond timeously and adequately to emergency cases.

Component 5: Project management

This component will provide support at implementation to the Ministry of Food and Agriculture (MoFA) in accordance with the World Bank's guidelines, including engagement of technical advisers to provide technical expertise on project performance monitoring and planning. Implementation of this component will largely

rely on civil servants within the relevant Ministries, as well as international and national technical specialists/consultants (individuals and firms).

1.2 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Based on the nature of the FSRP2 activities, the labour risks likely to be associated with the projects are viewed as minimal. Most of the labour risks will manifest in extended hours of work and associated mainly with the construction and rehabilitation of the targeted facilities as well as with data input. The probability of the incidence of child labour or forced labour is also minimal. The project requires technical staff with skills that require experience and education, which will not be possible for children or those below the age of 18. The risks of migrant and seasonal workers, labour influx and gender-based violence/sexual exploitation and abuse/sexual harassment (GBV/SEA/SH) do apply. A register of all persons under the age of eighteen years employed by the project and the dates of their births will be kept in keeping with Section 60(1) of the Labour Act, 2003 of Ghana. No person under the age of eighteen years shall be employed.

The Programme will adopt a zero-harassment policy for all its workers and sub-contractors. The zero-harassment policy will be part of the workers Code of Conduct developed by the project. This policy will be broadcast to all workers through various mediums and several formats. The PIU will ensure implementation of the SEA/SH Risk Mitigation and Response Action Plan developed under the project. The project will provide an extra layer of supervision for young workers to ensure they are educated of their rights, the project's policies on harassment, intimidation, and exploitation.

Sub-Projects may face influx of labour to local communities especially where skilled labourers are not available in some project sites. This could lead to increase in potential spread of STIs/STDs, HIV/AIDs due to workers on site, increase in SEA/SH especially for girls that have been exposed to contractors, sexual relations between contractors and minors and resulting pregnancies, encourage presence of sex workers in the project communities. To mitigate this risk, GBV risk management should be integrated in the project's ESMP and Contractor's ESMP. In addition, Contractors would be encouraged to hire Labour from the host communities where possible, maintain labour relations with local communities through a code of conduct (CoC). The Code of Conduct must be signed by all categories of workers and workers must be trained on the provisions of the CoC about refraining from unacceptable conduct toward local community members, specifically women and be informed of the sanctions for non-compliance. Training must be conducted for all new hires including sub-contractors and contractors should make resources available for their workers in line with the project's ESMP.

There are minimal possibilities for accidents and emergencies related to the construction. However, the project through the labour management procedures plan will ensure that all applicable occupational health and safety provisions in Section 118 of the Labour Act, 2003 and International Labour Organizations conventions are observed.

A summary table of the main potential labour risks, the measures to mitigate these risks and the actors involved in implementing the measures is presented in the table below:

Risk / Impact	Analysis (magnitude, extent, timing, likelihood, significance)	Mitigation
Arbitrary decisions by contractors on Terms and Conditions of employment	• The duration of the contracts offered to contractor workers are short and may not allow employees adequate time and information for meaningful collective bargaining, leading to discontent of employees and disputes.	• The Project Implementation Unit (PIU) will closely supervise the Contractor Recruitment Plan and ensure fairness of Employment Terms and Conditions against Ghana's Labour Laws • All information and documentation will be provided at the beginning of the working relationship and

Risk / Impact	Analysis (magnitude, extent, timing, likelihood, significance)	Mitigation
	• Project workers may not be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment.	when any material changes to the terms or conditions of employment occur • Where applicable, project workers will receive written notice of termination of employment and details of severance payments in a timely manner
Poor working conditions (unsafe work environment, underpayment, lack of workers' rights, etc.)	• The rights of workers under national labour and employment laws (which will include any applicable collective agreements), may be abused • Workers' payment may be delayed, irregular, or may be underpaid. • Campsites (anticipated only for Irrigation Schemes rehabilitation s) may be poorly managed, inconducive for workers, insecure, poor sleeping conditions, lack of access to basic amenities like water, toilets, healthcare etc. • The general appearance of campsites tends to deteriorate making camp life unpleasant • Unsatisfactory health and safety measures in breach of the Factories, Offices and Shops Act 1970 (Act 328).	• Project workers will be paid on a regular basis as required by national law and labor management with a principle of "equal pay for equal work" • In the case of subcontracting, the PIU will require such third parties to include equivalent requirements and non- compliance remedies in their contractual agreements with subcontractors • Contractors will be required to construct campsites following national building codes and WB EHS Guidelines and best international practices for migrant workers who will be engaged as part of FSRP2 sub-projects • The PIU shall inspect the campsites to ensure workers have appropriate living quarters, sanitation facilities separate for male and female, basic amenities • All project workers will be provided with adequate periods of rest per week, annual holiday and sick leave, as required by national law. • Ensure that campgrounds and common areas are routinely cleaned and organized with appropriate signage in place, and that grounds are maintained (e.g., grassed areas are regularly mown top eliminate pest hideouts).
Discrimination and lack of equal opportunity	• Decisions relating to the employment or treatment of project workers may discriminate against certain classes of workers including women, vulnerable groups amongst others. • Payment of workers may be based on discrimination e.g. males may be paid higher than women even on the same level of job schedule. • Foreign workers may be treated better than local workers in terms of living conditions, unequal pay, varying closing time etc. even when they are on the same level of qualification and experience	• The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to 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. • The PIUs are compelled to safeguard the interests of women and girls, including gender parity at the workspace, appropriate gender sensitive sanitation facilities at workplace and appropriate PPEs for women
Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH)	• Risks of SEA/SH of female and male workers and others from the host communities is a likelihood especially for implementation of project activities with longer construction periods in remote areas.	• Counsellors/Welfare Officers will be appointed as focal points for reporting incidents of harassment; alternate or secondary focal points will be identified in case the accused is the Counsellor/Officer • All contractors and consultants will sign Code of Conduct as part of their contracts against SEA/SH.

Risk / Impact	Analysis (magnitude, extent, timing, likelihood, significance)	Mitigation
		• Training administered will include protocols on how sexual harassment will be discouraged and addressed at the worksite / community • The Program will establish a survival-centered sexual harassment grievance mechanism for subprojects • All staff especially female staff as well as host community members will also be made aware of the GBV-GRM for the Program
Child Labour	• There is a minimal risk that children (below the age of 18) may be used to provide labour along supply chains • Under-aged persons within the host communities may disguise as above 18 to enable them work and get paid	• The minimum age of eighteen (18) will be enforced at recruitment and in daily staff team talks by Contractors and same demanded of suppliers. The PIU will also supervise this through a Contractor Management Checklist. • Contractors will liaise with host communities to attest to the age and conduct of all local hires, and maintain a list of same
Forced Labour	Although the risk of involuntary or compulsory labour, such as indentured Labor, bonded Labor, or similar Labor-contracting arrangements is almost insignificant, the necessary prohibitions will be enforced.	• Contractors will sign an undertaking and ensure that no forced labour exists under the Programme by gathering the relevant documents and appropriate proof. • A consent section will be part of the employee signed employment contract. Contractors will ensure that if labour is sourced from any subcontracting agency, the workers are not subject to coercion and forced Labor conditions.
Labour Influx	• The project may face influx of labour to local communities especially where skilled labourers are not available in some project sites. Camping of workers for long periods could lead to a potential spread/increase of STIs/STDs, HIV/AIDs; increase in GBV/SEA cases especially for unemployed women exposed to contractors; sexual relations between contractors and minors and resulting pregnancies, encourage presence of sex workers in the project communities • This could also lead to competition for resources like water, health facilities, electricity in the project locations	• Encourage hiring of labour from the host communities as much as possible. • Maintain Labour relations with local communities through a Code of Conduct (CoC) • The Code of Conduct must be signed by all categories of workers. • Workers must be trained on the provisions of the CoC about refraining from unacceptable conduct toward local community members, specifically women and informed of the sanctions for non-compliance. Training must be conducted for all new hires including sub-contractors. • Contractors should make resources available for their workers especially where stated in the Environmental and Social Management Plan (ESMP)
Grievance Mechanism	• Workers may be aggrieved due to unfair treatment, poor working conditions, conflicts, poor pay, and overstretched working hours amongst other things.	• A Workers' GRM will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner • The grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law

Risk / Impact	Analysis (magnitude, extent, timing, likelihood, significance)	Mitigation
		• Contractors shall comply with the Workers' Grievance Redress Mechanism (GRM) defined to handle workers' grievances in a fair and timely manner. • The PIU shall provide oversight to ensure effective implementation of the Workers' GRM.
Occupational Health and Safety	• Site workers will be exposed to risks of accidental collisions with moving vehicles, strains, and ergonomics from repeated movements or from lifting and heaving of heavy objects, slips and falls. Accidental cuts from tools and machines are also safety risks. • Dust and particulate emissions and welding works from site may cause respiratory and eye impairment health concerns for workers and the general public. • Movement of trucks carrying sand and materials, lack of road safety measures may also cause risk of accident, injury and death	• Contractors must provide HSE training for all workers before commencement of work and periodically thereafter • All contractors should have full time HSE officers on their team • Contractors should provide adequate PPEs for all their workers and the contractors HSE officers should enforce compliance • First aid boxes should also be provided at construction site, staging area • Contractors will prepare Occupational Health and Safety Plans • Contractors should report OHS accident/ incidents to the PIU promptly, and the PIU should report this to the Bank within 48hrs (in accordance with the Environmental and Social Commitment Plan (ESCP) • Contractors waste management plans will include handling and management of hazardous waste • Contractors should ensure training for their drivers and liaise with the traffic management agencies to control traffic during project implementation. • Every site will have emergency prevention and preparedness and response arrangements to emergency situations • Contractors shall ensure a safe working environment including workplaces, machinery, equipment and processes under their control are safe and without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents. • Where required, hire security for workers
Right of Association and Collective Bargaining	• Workers have the right to freely form, join or not join a trade union for the promotion and protection of the economic interest of that worker • Workers have a right to organize and collective bargaining, and representation	• The PIU will ensure that workers are informed of their right of association and collective bargaining • The PIU should also inform workers of the workers GRM and their right to utilize the system
Contractors Management	The most common risks faced by contractors on projects include the following: • Fiscal and labor risks; • Accidents on the job site;	• Documents should be kept at the site office with the site engineers and PIU office • The PIU team should check these records during monitoring visits • Records of workers engaged under the Project, including contracts must be kept

Risk / Impact	Analysis (magnitude, extent, timing, likelihood, significance)	Mitigation
	• Delays in project execution and surpassing the project budget; • Risk of receiving a product of low quality/durability; and • Risk of not receiving a warranty from the contractors.	• Records of all training sessions done for workers on topics including CoC, HSE, STIs/STDs, GBV etc. • Accidents/ 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 (Corrective Action Register) • Records of strike actions, reasons and resolution reached • Records of grievances and how they were resolved
Discipline and Termination of Employment	• Disciplinary process should be laid out before commencement of work and explained to every worker • Termination of appointment should abide by the following principles: o Valid or reasonable; o Clear and unambiguous; o The employee is aware, or could reasonably be aware of the rule or standard; and o The procedure to be applied in the event the employee contravenes any of these rules	• The PIU should periodically review workers disciplinary and termination processes to ensure that they are executed fairly and without prejudice • Where unfair treatment is established the SPIU should put in place corrective action and follow up to ensure execution
Theft	• Theft of project materials during construction period is common • Theft is a criminal matter which may require the involvement of law enforcement agents such as the police.	• Community engagements, education and sensitization against such practices. • The Code of Conduct must be signed by all categories of workers to reframe from theft/ • Carry out Legal/criminal prosecution for theft and vandalized equipment/installations • Dedicate personnel/security to monitor likely locations for such activities
Illicit drugs and alcohol abuse	• The use of illicit drugs and alcohol abuse could impair the judgment of workers leading to accidents, fights, and vandalism on sites.	• Issue fines to persons engaged in illicit activities on FSRP2 sub-projects • Provide warning signage to caution users against such activities/practices. • Workers will sign code of conduct that spell out sanctions for the use of illicit drugs and alcohol abuse.

1.3 RESPONSIBILITIES AND ASSIGNED STAFF

MoFA through the Project Coordinator will be responsible for the engagement and management of all project workers. The Project Coordinator (PC) will be the direct staff responsible for the engagement of project workers, contractors and subcontractors. The PC will be responsible for the overall management of all project workers and contractors and subcontractors, who will be supported by a Management and Technical Advisory Firm.

Occupational Health and Safety (OHS):

Occupational Health and Safety (OHS) will be the responsibility of the Environmental and Social Safeguards Officer. Contractors will assign a member of staff with responsibility for matters related to health and safety.

In large firms, this member of staff may be a specialist in OHS, for smaller firms and sub-contractors a member of staff with training and experience in OHS can suffice. A Code of Conduct for workers is required and will be developed and implemented. The safety representative will ensure that any complaint on health and safety is recorded and reported to the Project Safeguard Officer.

Gender Based Violence/Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH):
The Project Implementation Unit (PIU) is responsible for mitigating and managing all risks related to SEA/SH resulting from project implementation. It is the PIU's responsibility to develop appropriate mitigation measures through the ESMPs and to ensure that these measures are translated in the Contractor's ESMP for implementation on site. The PIU through the stakeholder engagement process should inform project affected communities about SEA/SH risks, conduct GBV service mapping in the project area for effective referral and response and develop a SEA/SH Risk Mitigation and Response Action Plan. The PIU should define and reinforce GBV requirements in procurement processes and contracts and create an effective grievance mechanism (GM) with multiple channels to initiate complaint. The SEA/SH-sensitive GM should have specific procedures for GBV cases confidentiality reporting with safe and ethical documenting.

Training of Workers:
The Safeguards Officer will liaise with the contractors' OHS representative for the necessary capacity building activities of the contractor's management staff and workers. Training of workers in environmental and social standards and OHS will be the responsibility of the project safeguards officer. Training on the Code of Conduct will be conducted by the Project Manager with assistance from the project safeguards officer.

Worker Grievances:
The process for addressing workers' grievance will be the Grievance Mechanism of the project (described in section 9 of this document).

2.0 OVERVIEW OF APLLICABLE LABOUR LEGISLATIONS

2.1 BRIEF OVERVIEW OF LABOUR LEGISLATIONS: TERMS AND CONDITIONS

The primary law and regulations that govern employment relationships in Ghana are the Labour Act, 2003 (Act 651) and the Labour Regulations. The Labour Act consolidates all laws relating to employment. The act refers to three categories of workers, namely:

- permanent workers;
- temporary workers; and
- casual workers.

2.1.1 Interpretation

Section 78. of the Act defines terms that are applicable in the law:

- **"temporary worker"** means a worker who is employed for a continuous period of not less than one month and is not a permanent worker or employed for a work that is seasonal in character;
- **"casual worker"** means a worker engaged on a work which is seasonal or intermittent and not for a continuous period of more than six months and whose remuneration is calculated on a daily basis.

The Labour Act distinguishes between a 'contract of employment' and a 'contract for employment'. A contract of employment creates an employer-employee relationship between the parties. This affords the employer and especially the employee protection under the Labour Act. On the other hand, a contract for employment does not create an employment relationship between the parties, but rather a principal-contractor relationship. Here, the contractor is neither considered to be an employee of the principal nor

entitled to benefits of employment such as social security contributions. Section 74 of the Act spell out the conditions of a contract of employment:

1. A contract of employment of a casual worker need not be in writing.
2. A casual worker shall:
   (a) be given equal pay for work of equal value for each day worked in that organization;
   (b) have access to any necessary medical facility made available to the workers generally by the employer;
   (c) be entitled to be paid for overtime work by his or her employer in accordance with section 35; and
   (d) be paid full minimum remuneration for each day on which the worker attends work, whether or not the weather prevents the worker from carrying on his or her normal work and whether it is possible or not, to arrange alternative work for the worker on such a day.

On the other hand, Section 75 of the Act highlights the conditions for a temporary worker:

(1) a temporary worker who is employed by the same employer for a continuous period of six months and more shall be treated under this Part as a permanent worker.
(2) Without prejudice to the terms and conditions of employment mutually agreed to by the parties, the provisions of this Act in respect of minimum wage, hours of work, rest period, paid public holidays, night work and sick leave are applicable to a contract of employment with a temporary worker.

2.1.2 Salary Wages, Allowances and Deductions

The Labour Act provides that all salary, wages and allowances are payable in cash, in addition to any non-cash remuneration. Generally, employers are precluded from deducting any amount from the remuneration of their employees – whether it is a pecuniary penalty imposed on the employee or an interest or discount on remuneration advanced to the employee.

However, the Labour Act sets out situations in which an employer can, with the consent of the worker, legally deduct funds from their remuneration in relation to:

- provident, pension or other funds or contributions agreed to by the employee;
- a financial facility advanced by the employer to the employee or guaranteed by the employer;
- amounts paid in error or in excess of the employee's remuneration to the employee;
- membership fees or contributions to an organisation of which the employee is a member; and
- deductions for any loss suffered by the employer because of damage to its property under the control of the worker; however, no deduction can be made in this regard unless it is shown that the worker is fully responsible for the damage.

2.1.3 Family and Medical Leave

Female employees are entitled to a statutory maternity leave of 12 weeks in addition to any annual leave that they may have. This statutory leave can be enhanced by contractual agreement between the parties. Female employees on maternity leave must be paid their full salary and other benefits while on leave. In addition, a female employee is entitled to additional leave to be determined by a medical practitioner where it is found that she has developed an ailment because of her pregnancy. Leave is also typically granted for bereavement in relation to close family members.

The Labour Act strictly prohibits discrimination of employees based on race colour, national extraction, social origin, religion, political opinion, sex, marital status, family responsibilities or disability. An employee also has the right, by law, to remove himself or herself from a work situation which he or she reasonably believes presents an imminent or serious danger to life or health.

2.2 BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The Factories, Offices and Shops Act, 1970 (Act 328) spells out the responsibilities of an employer in registering new and existing factories, renewal of certificate of registration and ensuring a safe and healthy work environment of employees. It defines a factory to include any premises (whether in or not in a building) in which one or more persons are employed in manual labour in any process.

The World Bank's Environmental and Social Standards 2 and 4 are applicable to this Program. ESS2 - Labour and Working Conditions - recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers are required to promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS4: Community Health and Safety addresses the health, safety, and security risks and impacts on project-affected communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular attention to people who, because of their circumstances, may be vulnerable. These requirements have informed the development of this LMP. For instance, the livelihood and restoration principles outlined in the ESMF for this Program commit contractors to recruiting from the communities as much as possible.

The World Bank's Environmental, Health, and Safety (EHS) Guidelines[1] are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP), as defined in IFC's Performance Standard 3: Resource Efficiency and Pollution Prevention. The Environmental, Health, and Safety (EHS) Guidelines contain the EHS performance levels and measures that The World Bank Group requires its clients and borrowers to apply to their projects. This implies the identification of EHS project hazards and associated risks across all the Guidelines' dimensions, involvement of EHS professionals in project preparation, prioritisation of risk management strategies that eliminate the causes of hazards or, if not feasible, of consequence-minimizing controls, and monitoring and community preparation activities, among other. When host country regulations differ from the EHS Guidelines, projects will be required to achieve whichever is more stringent. The ESMF prepared for the FSRP2 addresses these requirements in the context of the project and are outlined in the relevant environmental and social risk management chapters.

2.3 BRIEF OVERVIEW OF LABOR LEGISLATION: OTHER REQUIREMENTS

Some of the highlights specific to certain areas in in the Labour Act are listed:

Forced Labour

Section 117 interprets forced labour to mean work or service that is exacted from a person under threat of a penalty and for which that person has not offered himself or herself voluntarily, but does not include

(a) labour required because of a sentence or order of a court;
(b) labour required of a member of a disciplined force or service as his or her duties;
(c) labour required during a period when the country is at war or in the event of an emergency or calamity that threatens life and wellbeing of the community, to the extent that the requirement of the labour is reasonably justifiable in circumstances of a situation

Section 116 highlights the prohibition of forced labour to include:

(1) A person shall not be required to perform forced labour.
(2) It is an offence for an employer to exact or cause to be exacted, or permit to be exacted, for his or her benefit forced labour from any worker.

[1] See World Bank Group, International Financial Corporation (IFC) Environmental Health and Safety (EHS) Guidelines (April 2007) https://www.ifc.org/wps/wcm/connect/29f5137d-6e17-4660-b1f9-02bf561935e5/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES&CVID=nPtguVM and the IFC webpage for EHS: www.ifc.org/ehsguidelines

(3) Any employer convicted of an offence under subsection (2) is liable to a fine not exceeding 250 penalty units.

Prohibition of employment of young persons in hazardous work (Section 58)

(1) A young person shall not be engaged in any type of employment or work likely to expose the person to physical or moral hazard.
(2) the Minister may, by legislative instrument, determine the type of employment that is likely to expose a young person to physical or moral hazard.
(3) An employer shall not employ a young person in an underground mine work.
(4) A person who contravenes subsection (1) or (3) commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units.

Health of young persons (Section 59)

(1) An employer shall not employ a young person on any work unless a medial practitioner has certified that the young person is in good health and is medically fit for the work.
(2) Where a person fails to comply with subsection (1) the person shall be ordered by the Minister to have the medical examination conducted.

Children's Act 1998 (Act 560) (Section 87)

(1) "No person shall subject a child to exploitative labour".

3.0 LABOUR POLICIES AND PROCEDURES FOR FSRP2

To mitigate the environmental and social impact relating to the Programme, it is the intention that mitigation measures will be put in place by incorporating standardized clauses in the contract documents so that the contractors will be aware of environmental and social obligations under the Program. The Ministry of Food and Agriculture (MoFA) will ensure compliance by contractor/consultants with these clauses.

The Program will prevent any gender discrimination at the workplace, including gender pay gap. The Program's Occupational Health and Safety (OHS) policy will cover key areas as follows:

Purpose

The primary purpose of this OHS Policy is the safety and health of all the project employees at work and the protection of the environment and conservation of resources associated with the project. The policy also establishes and defines the authority for the OHS and associate safety systems. The policy will be enforced in all applicable sub-activities under the Program and contractors and sub-contractors of the project through contractual arrangements as is appropriate.

Scope

Occupational health and safety (OHS) or workplace health and safety (WHS) is concerned with the safety, health, and welfare of people at work. Safety is defined as "the well-being of project employees whilst at work or carrying out work duties". Project Employee for the Project is defined as "anyone employed by activities of the project including employees of contractors and sub-contractors on a full-time or a part-time basis. OHS Management System is the standards, policies, guidelines, that address project worker's safety, monitoring and evaluation of safety, worker's health, work, and general environment. The scope of this policy covers the following:

- Forced labour
- Influx of labour
- Serious accidents under conditions of employment
- labour disputes over conditions of employment
- Discrimination and exclusion of vulnerable and disadvantaged persons
- Monitoring and reporting on the progress of the implementation of the mentioned policies and procedures

Policy

The obligations of the Program under the OHS policy includes the following:

- Compliance with applicable national legislations (for example health associated legislations) and international OHS legislation
- Compliance with the Environmental and Social Standards of the World Bank
- Prevention of injury and ill health of all project workers
- Establishment of safety systems, processes, and performance
- Continuous improvement of Safety Systems
- Management and mitigation of adverse environmental and social impacts
- Prevention of use of faulty equipment or sub-standard equipment
- The project will commit to safety considerations in the conduct of all its activities and that of contractors and sub-contractors
- The project will provide systems, processes, procedures, the necessary safety equipment and gears and training for all project employees so that all activities are conducted in a safe environment

- Employees will be responsible, subject to their roles, for the maintenance of a safe environment including the assessment of risks and actions to mitigate minimize and manage risks to the safety of the work environment
- The project will develop an OHS policy and implement systems, processes, supporting policies, and services that are national and international in compliance with national and international legal requirements including industry standards and best practices in relation to safety
- Employees at all levels have the authority to stop any activity they consider to be a danger to themselves or other workers, the public or the environment. The project is committed to non-retaliation to stop-work actions by project workers

The Environment and Social Specialists of the project are responsible for the implementation and monitoring of the safety management systems of the project. The ESS will develop sub-policies, guidelines, procedures, instructions and training and awareness materials to support this policy.

Dissemination and Awareness

The OHS policy, developed for the project, will be disseminated to all project workers and stakeholders. The information will be dissemination in various formats including an adapted and summarized version.

4.0 AGE OF EMPLOYMENT

The project will be guided by the Labour Act, 2003 which states that the minimum age of employment in Ghana is eighteen (18) years old. In addition to the Employment Act, Ghana is a signatory to the following international conventions related to the minimum age of employment:

- Convention on the Rights of the Child (CRC): "Signed on the 19th April 1990 and ratified on the 9th October 1990" (UNICEF, 2015)
- Minimum Age Convention, 1973 (No.138) (International Labor Organization, 2017)
- Forced Labour Convention, 1930 (No. 29) (International Labor Organization, 2017)
- Worst Forms of Child Labour Convention, 1999 (No. 182) (International Labor Organization, 2017)
- Medical Examination of Young Persons Convention, 1921 (No. 16) (International Labor Organization, 2017)
- UN CRC Optional Protocol on Armed Conflict (US Department of Labor, 2017)

Employees over the minimum age of 18 and under the age of 21, may be employed or engaged in connection with the project only under the following specific conditions:

(a) the work is not likely to be hazardous and is not harmful to the child's health or physical, mental, spiritual, moral, or social development, and will not interfere with the child's education.
(b) an appropriate risk assessment is conducted prior to the work commencing; and
(c) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2: Labour and working conditions.

The following process will be followed to verify the age of project workers:

All project employees will be asked to produce identification documents (ID) that are acceptable in local laws, employment, and human resources practices as "proof of age". These forms of ID will be birth certificates, national drivers' licenses, and national registration cards. In the absence of one of those forms of IDs the project will apply and document an age verification process. The age verification process will consist of alternative methods including copies of academic certificates, testimony/affidavits from officials of the schools attended, a medical examination, statements from family members and parish/village officials/local authorities. In addition, all documents will be cross-referenced and subjected to a verification process to ensure the validity of the documents. In instances where the documents are thought to be falsified the project will conduct the same process to ensure their authenticity. In all the processes, the attendant care will be provided to ensure that the applicant or employee's data are protected and their right to privacy is guaranteed. All copies of the IDs and documents pertaining to the applicant's age and other supporting materials will be kept in files with the human resources personnel. Audits and controls of the process will be a requirement of the contractors and included in the contracts, in keeping with the Labour Act 2003 (Act 651).

If underage workers are found working on the project the following actions will be undertaken:

- Termination of the contract and services agreement immediately as per the Labour Act of 2003 (Act 651)
- Schedule a meeting with the child and seek to determine the reasons for seeking employment
- Refer the child to other support services including social services and the Ministry of Education
- Leverage the services of Non-government and Community Based Organizations to assist the child
- Consider employing another adult member of the family if the child's family is determined to be vulnerable or in dire circumstances

The Labour Act 2003 (Act 651) will be used as a guide in the conduct of the assessment of risks associated with persons below the age of 18. The procedure for assessing the risks will be as follows:

- All persons will be asked to provide a medical certificate with the results of a medical examination.
- An assessment will be done of the tasks assigned, to ensure that persons below the age of 18 are not subjected to hazards and risks
- There will be clear policy guidelines regarding supervision of young persons to prevent exploitation and sexual harassment
- Young persons will be provided with educational and awareness information on the policies of the workplace including sexual harassment policies and labour related grievances and the Grievance Mechanism of the project.

5.0 TERMS AND CONDITIONS

The following terms and conditions will apply to project workers in accordance with the Labour Act 2003 (Act 651).

Contracts

- The project, and sub-contractor, subcontractor, and assignees of contracts shall pay rates of wages and observe hours and conditions of employment which are not less favourable than those established in the country (minimum wage).
- Contractors and sub-contractors shall be certified according to the Government Requirements for governmental contractors including that contractors are certify that the wages and conditions of employment of all those employed by the contractor in the trade or industry in which the contractor is seeking to contract with the Government are fair and reasonable.
- The contracts will be guided by the principle of collective bargaining is applicable and where there is no minimum wage or rates established in the country, the guiding principle will be of fair wages and reasonable rates commensurate with governmental minimum wage and similar established rates and conditions.
- In keeping with the Labour Act, the contractor shall keep proper wage records and time sheets for all those employed in relation to the execution of the contract, and the contractor shall produce the wage records and timesheets for the inspection of any person authorised by the project or the Labour Commission of Ghana.
- Contractors are required by law, to post conditions of work in conspicuous places informing workers of their rights and conditions of work.
- A subcontractor shall be bound to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions.
- Contractors and subcontractors shall recognise the right of their workers to be members of the trade unions.

Minimum Wage

All project workers shall be paid a wage that is above or equal to the minimum wage as established by the Government of Ghana. Wages will be paid on a weekly, bi-weekly or monthly basis. Each employee is entitled to a statement accompanying pay that itemised the following: "(a) the employee's gross wages due at the end of that pay period; (b) the amount of every deduction from his or her wages during that pay period and the purpose for which each deduction was made; and (c) the employee's net wages payable at the end of that pay period."

Hours of Work

The maximum number of ordinary hours of work for employees shall be eight hours a day or forty hours a week except in cases expressly provided for in the Labour Act.

Project employees are prohibited from working more than 10 hours per day inclusive of two hours for lunch and rest periods. No person under the age of eighteen years shall be employed or allowed to work. Other provisions related to hours of work will be guided by the Labour Act (Act 651) on this matter.

6.0 GRIEVANCE MECHANISM

The Grievance Mechanism for all Project Workers is as follows:

- Contractors and or Representatives will be the point of contact for all Grievances. In the case of project management staff, the point of contact will be the Permanent Secretary. The contractor will designate a staff member who will be responsible to receive grievances.
- Upon receipt of Grievances, the Contractor Staff / Permanent Secretary or Representative will notify the Project Manager and Environmental and Social Specialist (ESS). Grievances will be registered in a registry of complaint and all information related to the handling of the grievances will be recorded in the registry. In the case of issues with project management staff, the Project Manager may be required to exclude her or himself if the compliant directly involves him or her.
- The contractor will attempt to address grievance within established time frame of 3 weeks upon receipt. In cases of timely or urgent matters a period of a minimum of 24 hours and a maximum of 15 days will be allotted for addressing a resolving the grievance. Grievances can be made in person, telephone call or writing.
- The Grievance Mechanism of the project will be published by the Ministry of Food and Agriculture (MoFA). In addition, it will also be disseminated via public notices and billboards on sub-project sites, brochures will be distributed in communities of project activity and messages will be placed in both print and broadcast media advising of the mechanism and access points. Grievances can be made anonymously. A dedicated email and telephone number will be provided for all Grievances. For grievances made via telephone or in person, a written account will be compiled and the complainant will be asked to verify its authenticity and sign that it is an accurate account.
- The staff member assigned by the contractor will notify the Project Manager through a report of the successful resolution of any grievance. The complainant will also be informed via writing of the measures taken to address the grievance.
- If the grievance cannot be resolved by the contractor, the contractor will inform the Project Manager and ESS.
- The ESS and Project Manager will meet with the Project Contractor and workers and attempt resolution. In the case of project management staff, the Permanent Secretary will meet directly with the staff.
- If issues cannot be resolved the issue will be referred to the Ministry of Labour for their action and pronouncement.
- The Ministry of Employment and Labour Relations' ruling would be the final tier of the grievance mechanism.
- If unresolved, either party may seek redress in the courts of the Country.
- Parties involved will be advised that they can directly contact the Project Office Ministry.
- Information about the GM will be disseminated to workers through signs at the project work site, brochures and handbills at the project website and SMS messages sent to the workers' phones.
- If the GM receives a case on sexual exploitation and abuse related to the project, complaint will only be recorded after securing full consent of the complainant in line with survival centred approach. The GM administrator will then refer the complainant to the appropriate SEA/SH service provider or relevant government authorities in line with the SEA/SH Risk Mitigation and Response Action Plan to be developed at the Project level and with Ghana Gender Policy. The GRC administrator or secretary will keep the information and personal details of the complainant confidential to protect privacy of GBV and SEA complainants. As part of contractor's agreement, each contractor would be required to sign a code of conduct to mitigate potential risk of SEA /SH. In cases, where the perpetrator(s) is linked to project activities then the contractor will take appropriate actions as per the provision of the contractor's contract agreement and under the effective law in Ghana. The PIU will report

activities and outcomes of GBV and SEA/SH surveillance and management to the World Bank on a regular basis.

7.0 CONTRACTOR MANAGEMENT

It is mandated that the contractor execute the management of the contract in a manner that is acceptable to the client and is in accordance with the World Bank rules and regulations as it relates to ESS2, specifically relating to the selection process for contractors, management of labour issues, including health and safety, procedures for managing and monitoring of performance for contractors, as well as reporting on workers under the project.

Information on Public Records: The Contractor must have in place information on corporate registers and documents relating to the violation of applicable law, including reports from labour inspectorates and other enforcement bodies.
Certification and Approval of Business and Workers: Documentation of approved business licenses, registration, permits and other approvals and workers' certification/permits and training to perform the work.

Health and Safety: Have in place labour management systems as it relates to organizational health and safety. Records of incidents and corresponding root cause analysis with a corrective mitigation plan. First aid cases, high potential near misses, and remedial and preventive activities required. Identification and establishment of safety committee and records of meetings.

Workers Payroll Records: Documentation of the number of hours work and pay received inclusive of all payments made on their behalf, for example payment made to the National Insurance Scheme and other entitlements regardless of the workers being engaged on a short- or long-term assign mentor fulltime or part time worker.

8.0 COMMUNITY WORKERS

Under Component 2 of the Program, communities in selected target zones will be supported to develop Integrated Land-use Management Plan which the Program will finance to be implemented. Some of these activities such as the establishment of woodlots will require communities to contribute labour especially during the planting phase. Community workers will therefore be involved in this Program. Community workers participating in FSRP2 sub-projects will use the Program's Grievance Mechanism to address all grievances and will abide by the environmental, social, health and safety measures included in the ESMF and/or specific instruments to be developed during project implementation.

9.0 PRIMARY SUPPLY WORKERS

There is no significant risk of child or forced labour or serious safety issues in relation to primary suppliers. Based on the nature of the Program, there will be Primary Suppliers engaged. All contracts with Primary suppliers will follow the mechanisms laid down in the Labour Act (Act 651).