

Private Investment and Digital Entrepreneurship (PRIDE) Project

Bangladesh Economic Zones Authority (BEZA)



Package No. BEZA S-135

Labour Management Procedure (LMP)

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List of Acronyms and Abbreviations

BBS	Bangladesh Bureau of Statistics
BEPZA	Bangladesh Export Processing Zone Authority
BEZA	Bangladesh Economic Zones Authority
BNBC	Bangladesh National Building Code
BSMSN	Bangabandhu Sheikh Mujib Shilpa Nagar
CETP	Common Effluent Treatment Plant
DoE	Department of Environment
ECA	Environment Conservation Act
ECR	Environment Conservation Rules
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
GBV	Gender Based Violence
IWM	Institute of Water Modelling
JV	Joint Venture
LMP	Labour Management Procedures
MoWR	Ministry of Water Resources
O&M	Operation and Maintenance
OHS	Occupational Health Safety
PMO	Prime Minister's Office
PMU	Project Management Unit
PRIDE	Private Investment & Digital Entrepreneurship
RAP	Resettlement Action Plan
SEC	Small Ethnic Communities
SEF	Stakeholder Engagement Framework
SEP	Stakeholder Engagement Plan
SHE	Safety, Health and Environmental
SIA	Social Impact Assessment
UNDP	United Nations Development Programme
WARPO	Water Resources Planning Organization
WB	The World Bank

1. Introduction

The fundamental element of conducting a project work is the labour force, hence, management of the labour resources are essential. The Labour Management Procedures (LMP) are maintained meeting the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 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.

In accordance to the Bangabandhu Sheikh Mujib Shilpa Nagar (BSMSN) project, specifically for zone 2A and 2B, labours will be required to work in multi-disciplinary sectors. The focus of the LMP is on workers engaged by contractors engaged by BEZA for works on land development, infrastructure construction, utility services, and other associated works such as transmission lines, access roads, etc. Adhering to these procedures, Project contractors will be required to prepare a Labour Management Plan for larger works. For smaller contracts, BEZA may prepare specific procedures to be inserted in the contract as part of contractors' legal obligations. The approach will be assessed as part of the initial screening of environmental and social risk and impact carried out by BEZA's Project Management Unit.

2. OVERVIEW OF LABOUR USE IN THE PROJECT

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

1. People employed or engaged directly by BEZA 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 BEZA's primary suppliers (see section 12)

2.1 Labour Requirements: BEZA

BEZA should establish a Project Management Unit to oversee the Project comprising of relevant professionals. The unit shall also supervise the works and ensure the maintenance of all the rules and regulations.

2.2 Labour Requirements: (Zone 2A and 2B)

BEZA has already allotted the land of 2A and 2B to different industries which will create employment of many workers. In reference to the Bangabandhu Sheikh Mujib Shilpa Nagar (BSMSN) Master Plan by SHELTECH, Table 3-50, the employment/acre rate is used and BEZA's land allotment is used to estimate the following employment in different industrial sectors:

Table 1: Employment Estimation

	Land allotment (Acre)	Employment/Acre	Employment
Zone 2A			
Textile & Garments	315.58	105	33136
Steel and Steel Product	19.97	18	359
Energy & Power	119.28	2	239
Food & Beverage	119.94	36	4318
Pharmaceuticals & Chemicals	10.02	47	471
Others	39.95	17	679
Zone 2B			
Textile & Garments	496.65	105	52148
Total Employment			91350

In addition to these, BEZA will require more staffs for operation and maintenance of the zones in regular basis.

3. ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

The main labour risks associated with the project are assessed to be related to the potentially hazardous work environment, associated risk of accidents, labour influx and community health and safety.

Labour influx. While a substantial number of jobs will be created as part of the land development, infrastructure construction, utility services, and other associated works such as transmission lines, access roads, etc., it is expected that the area will experience substantial labour influx. External workers, which might be large in numbers, should have accommodation facilities. There should be dedicated camps established for worker accommodation within the project area.

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 the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019.

Occupational health and safety. There are risks associated during the construction period, different on-site risks and hazards can be encountered while lifting cranes, drilling, using heavy machineries, etc. After the completion of various industrial establishments, the operation and maintenance of the industrial works associates various risks, probable injuries and accidents of workers while using heavy machines in steel, garments, textile and other industries. Cleanliness, ventilation and fire hazard are also associated risks during the project.

4. OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

The **Bangladesh Labour Act, 2006** is the main legislation that regulates the terms and conditions of employment in Bangladesh. **Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019** guides the legislations for employment in industrial sectors and economic zones. **The control of Employment Ordinance, 1965** also provides a guideline for collection of information relating to employment in industrial undertaking and available persons therefore, and for the control and such employment, and matters connected therewith or incidental thereto. In this project, **Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019** in accordance to the WORLD BANK standards shall guide the legislation for employment in the project.

The Bangladesh Labour Act, 2006 provides for the basic conditions of employment with a view of improving the status of employees in Bangladesh. 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 is in this legislation where provisions will be found 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
- Grievance mechanism

Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 on the other hand only focuses on the legislation of economic zones/ EPZ and provides all the basic rules and regulations of employment in the economic zones. It is done in accordance to the Bangladesh labour act, 2006 but prioritizes the industrial sectors and economic zone related employments. This provides instruction for the directives on matters concerning fixations of minimum wages and other related benefits in respect of workers/employees engaged in different companies within the export processing zones of Bangladesh. Companies operating in the zones may have their own rules and regulations and terms of conditions of employment and in that event no rules or terms and conditions of employment of an individual company shall be less favourable than those contained in these instructions.

5. OVERVIEW OF LABOUR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 includes separate chapter on health and hygiene and safety, special provisions relating to health hygiene and safety. This act 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 Ordinance 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.

This Ordinance recommends that regular inspection on health and safety to be operated and any sign of risk and hazard to be reported by the employer. It also vividly states that any hazardous operations to be declared beforehand and prohibits employment of any women, children, adolescent or any unfit person for such jobs. In case of accidents or any loss of life or bodily injury in project site, the employer is obliged to inform the Inspector within two working days.

First aid appliances to be strictly maintained and provided as to be readily accessible during working hours. The act enacts necessity of facilities to be provided to workers during working hours, namely canteens, washing facility, shelters, rooms for children under age 6 of women workers. In case of injuries of workers caused by accident in the course of employment, the employer shall be liable to pay any compensation in accordance with certain provisions.

6. RESPONSIBLE STAFF AND PROCEDURES

BEZA should appoint project management unit in order to oversee the whole project and should have the overall responsibility to oversee all aspects of the implementation of the LMP, particularly to ensure contractor compliance. The contractor is subsequently responsible for management in accordance with contract specific Labour Management Plans, implementation of which will be supervised by BEZA's Project Management Unit on a monthly basis or at shorter intervals as defined by specific Plans. 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 and records of any incidents. Minor incidents shall be reported to BEZA on a monthly basis, serious incidents shall be reported immediately. Minor incidents will be reflected in the quarterly reports to the World Bank, major issues will be flagged to the World Bank immediately.

Labour and Working Conditions. Contractors will keep records in accordance with specifications set out in this LMP. BEZA may at any time require records to ensure that labour conditions are met. The Project Management Unit 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. Contractors will be required to present a worker grievance redress mechanism which responds to the minimum requirements in this LMP. The Project Management Unit'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 Management Unit will keep abreast of resolutions and reflect it in quarterly reports to the World Bank.

Additional Training. Contractors are required to, at all times, have a qualified safety officer on board. If training is required, this will be the contractor's responsibility. The safety officer will provide instructions to contractor staff. BEZA will procure for training to address risks associated with labour influx and will provide a schedule for trainings required. The contractor will be obligated to make staff available for this training, as well as any additional mandatory trainings required by BEZA, as specified by the contract.

7. POLICIES AND PROCEDURES

Most environmental and social impacts of sub-projects resulting from activities directly under the control of contractors will be mitigated directly by the same contractors. Consequently, ensuring that contractors effectively mitigated project activities related impacts is the core of the Project's

approach. BEZA 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 shall be expected from them, should be able to reflect that in their bids, and are required to implement the clauses for the duration of the contract. BEZA 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, to be available for inspection at any time by the BEZA or BEZA appointed agents. The contractual arrangements with each project worker must be clearly defined in accordance with Bangladesh Labour Act, 2006. A full set of contractual requirements related to environmental and social risk and impact management will be provided in the Projects' Environmental and Social Impact Assessment. All environmental and social requirements shall be included in the bidding documents and contracts in addition to any additional clauses, which are contained, in the Projects environmental and social instruments.

Under no circumstances will BEZA, 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 in a non-voluntary basis.

7.1 Occupational Health and Safety

In accordance to the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019, Bangladesh labour act, 2006 and ESS2 of World Bank, BEZA shall:

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

In accordance to the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019, correspondence from BEZA should

- 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, substances, 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 to the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019, Bangladesh labour act, 2006, and World Bank ESS2, first aid provisions are required. 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 enforce 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 sub-project site, as mandatory measures.

7.2 Labour Influx and Gender Based Violence

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;
- had the CoC 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 Bangla.

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

- Mandatory training and awareness raising 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.

8. AGE OF EMPLOYMENT

In the Bangladesh labour act, 2006, Section 34, it is mentioned that no child shall be employed to work in any occupation. Section 44 mentions that anyone under age 14 is considered as child and under 18 but over 14 is considered as adolescent. World Bank strictly prohibits child labour and clearly mentioned that the minimum age of 18 years is required for anyone to get employment in such works. Section 37 of the act suggests a fitness certificate required for adolescents to get employed and they can be appointed to do the light works.

According to the World Bank standards and guidelines, 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's will not only be terminated by BEZA but also be reported to the authorities.

9. TERMS AND CONDITIONS

As stated in section 3 of this LMP the terms and conditions of employment in Bangladesh are governed by the provisions of Bangladesh Labour Act, 2006 in connection with The Control of Employment Ordinance, 1965 and the employment in industrial sectors and economic zones are governed by Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019. Section 6 of the Ordinance makes it mandatory for employers to give its employees an appointment letter along with an identity card containing photograph. Section 7 makes it obligatory for employers to provide service book containing written particulars of employment (Appendix 2), signed by both parties upon employment. This requirement however is not applicable to badli (substitute worker) or casual workers. For this project, contractors will be required to provide all its employees with written particular of employment, including those excluded by the provision of S.5, 6 and casual employees.

Contractors will also be required to comply with the most current decision of Wages Board assigned by the government, as of December 2018, the amendment of the labour act was implemented regarding the labour wage and the minimum wage declared by the government in the amendment was Tk. 8000/- specifically for garments workers. The Wages Order specifies the minimum wages, hours of work, overtime pay, leave entitlements, travelling and Subsistence Allowances and the issue of protective clothing.

Upon receiving a public contract, the contractor shall 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 government recommended by the Wages Board Chairman. The employer shall maintain worker's register which will be available for inspection during working hours for the Inspector appointed by BEZA.

In ensuring full compliance with the law in this regard, contractors will be required to furnish BEZA with copies of the Service Book or copies of contract of all its 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 BEZA.

As a monitoring mechanism, 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. It will be a material term of the contract to allow BEZA to withhold payment from contractor should the contractor not fulfil their payment obligation to their workers.

9.1 Worker's Organization

The Bangladesh Labour Act, 2006 (Section 176) ratifies 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 and in The Bangladesh Labour Act, 2006, Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019, a worker's welfare society holds the right to negotiate the terms and conditions of employment and other related matters and any worker has the right to join the welfare society. Section-119 of this ordinance suggest collective bargaining agent to negotiate representing the welfare society of workers.

The workers should have the rights to join registered worker's welfare society but must face penalty upon joining any unregistered welfare societies. The 2019 Ordinance has made a direct provision that if a single welfare society remains then that shall be treated as the Collective Bargaining Agent. BEZA provides employees with the right to join and form an organization for purpose of labour representation. The societies shall have the right to represent its members during hearings and to negotiate favourable terms and conditions for their members (annually) amongst other rights.

10. DISCIPLINARY PROCEDURES AND GRIEVANCE MECHANISM

In any working environment it is essential for both employers and employees to be fully conversant with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. In implementing an effective dispute management system consideration must be given to the disputes resulting from the following:

- Disciplinary action
- Individual grievances
- Collective grievances and negotiation of collective grievances
- Gender-based violence, sexual exploitation and workplace sexual harassment

10.1 Disciplinary Procedure

The starting point for all disciplinary action is rules. These rules may be implied or explicit and of course will vary from workplace to workplace. Some rules are implied in the contract of employment (e.g. rule against stealing from the employer), however it is advisable that even implied rules be included in the disciplinary code or schedule of offences. In an organized workplace these rules ideally are negotiated with the worker's welfare societies and are often included in the Recognition Agreements signed by the employer and worker's welfare society.

Advance notice regarding termination, retrenchment, discharge should be given to workers. In Bangladesh, labour courts are there to settle the disputes. In handling any kinds of disputes, there is a whole chapter of settlement of disputes in Bangladesh Labour Act, 2006. The Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 also ensures EPZ labour court for different zones to act and take necessary steps in case of any dispute. In accordance to the acts, in case of any dispute the following procedures are to be followed:

- 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 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) If an employee is dismissed, it must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal.

Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure and Code and standards which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly.

10.2 Individual Grievance Procedure

Section 33 of Bangladesh Labour Act, 2006 explicitly states that every employer, including contractors, to have a Formal Grievance Procedure which should be known and explained to the employee.

(1) Any worker including a worker who has been laid-off, retrenched, discharged, dismissed, removed, or otherwise terminated from employment, who has any complaint in respect of anything and intends to get redress thereof, shall send his complaint in writing to his employer, by registered post within 30 (thirty) days of being informed of the cause of such complaint:

Provided that if the appointing authority accepts the complaint directly and acknowledges the receipt thereof in writing, such complaint shall not be required to be sent by registered post.

(2) The employer shall within 30 (thirty) days of receipt of the complaint, make enquiry into the

complaint and shall after giving the concerned worker an opportunity of being heard, communicate him in writing his decision thereon.

(3) If the employer fails to give any decision, or if the concerned worker is dissatisfied with such decision, he may submit a complaint in writing, to the Labour Court within 30 (thirty) days from the date of expiry or, as the case may be, within 30 (thirty) days from the date of the decision of the employer.

(4) The Labour Court shall, on receipt of the complaint, give notice to both the parties and hear their statement on the complaint, and considering the circumstances of the case shall pass such order as it may deem just.

(5) The Labour Court may amongst other reliefs, direct for reinstatement of the complainant in service, with or without arrear wages and convert the order of dismissal, removal or discharge to any minor punishment specified in section 23(2).

(6) Any person aggrieved by an order of the Labour Court, may, within thirty days of the order, prefer an appeal to the Tribunal, and the decision of the Tribunal on such appeal shall be final.

(7) No Court-fee shall be payable for making any complaint or preferring an appeal.

(8) No complaint shall amount to a criminal prosecution under this Act.

(9) No complaint shall lie against an order of termination of employment, unless such order is alleged to have been made for his welfare society activities or passed with an ill motive or unless the worker concerned has been deprived of the benefits specified in that section.

All the contractors who will be engaged for the project will be required to produce their grievance procedure as a requirement for tender which at a minimum comply with these requirements. In addition, good international practice recommends that the procedures be transparent, is confidential, adheres to non-retribution practices and includes right to representation. After they are engaged, they will be required to produce proof that each employee has been inducted and signed that they have been inducted on the procedure.

10.3 Collective Grievances and Disputes resulting from the negotiations of Collective agreements

Where a worker's welfare society is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. As described in the Bangladesh Labour Act, 2006, the collective bargaining agent shall be entitled to undertake collective bargaining with the employer on matters connected to employment, terms of employment and other related matters.

In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can file written complaint in the labour court.

10.4 Gender-based Violence, Sexual Exploitation and Workplace Sexual Harassment

Gender based discrimination to be strictly prohibited and monitored by BEZA. BEZA will, with support from consultants, identify institutions and service providers who are actively engaged in prevention of gender-based violence, sexual exploitation and workplace sexual harassment in order to establish a manual for referencing any potential survivors. The manual will be updated as capacity and services are rapidly evolving in the locality. BEZA, the project unit and the contractor are not equipped to handle complaints or provide relevant services to survivors, but will reference to any person relevant service providers, including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence should be reported through the project/contractor, the nature of the complaint will be recorded along with the age of the

complainant and relation to the project will be recorded but the issue will be referenced to relevant institutions.

11. CONTRACTOR MANAGEMENT

BEZA shall make sure 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 BEZA and the World Bank:

- Labour conditions: records of workers engaged under the Project, including contracts, service book, registry of induction of workers including CoC (see section 7.2), 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.

The Project's oversight of contractors is set out in section 5 of this LMP. The following procedures are to be followed by BEZA for contractor management, adhering to LMP provisions and the project management unit shall be liable to comply with these procedures:

1. Ensure that Contractors have valid contracts with clearly define service level agreement and all environmental and social clauses
2. Contractor induction to BEZA standards and LMP
3. Monthly submission of records: Contractor submission to Project Management Unit, copied to Project Management Unit. This includes:
 - a. Managing incidents and accidents, the Incident Reporting and Investigation Procedure is followed, and the Incident/Accident Monitoring Register is used to monitor.
 - b. Contractor employees recorded using Contractors Employee List
4. Monthly site visits (at a minimum) and reports

5. Concerns or issues tracking using monitoring register.
6. Evaluation of contractor requirements. These includes training, OH&S files, certifications and other. The evaluation results in Portfolio Reports which includes recommendations for contract extension or termination.
7. Training needs identification recorded in Contractor Training Schedule
8. Annual Contractor Management Plans

12. COMMUNITY WORKERS

The project shall engage community workers. Engaging them will motivate the local people to help in the development of the project as this can be a new source of income for them and can offer them a better livelihood. Being involved in the project work will also enrich the social advancement of the local people.

13. PRIMARY SUPPLY WORKERS

This section addresses labour management risk associated with people employed or engaged by BEZA's primary suppliers. Primary suppliers are suppliers who, on an ongoing basis, provide goods or materials directly to the Project.

The project will require procurement of a substantial amount of materials. All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the supplier regarding compliance with taxes, certification, licensing, Public Liability Certificate and workmen's compensation. A separate form requires that the primary supplier identify the company's permanent staff and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review in accordance with BEZA. The review shall be carried out twice annually and requires a Commercial Services Officer to visit the supplier's premises. The supplier evaluation form provides for the Commercial Services to report any labour irregularity if observed.

These Labour Management Procedures require that, under the project, any primary supplier maintains records related to occupational injuries, illness and lost time accidents. These records will be subject to review by Commercial Services inspection twice annually. Employers will also ensure, that any primary supplier to the project report fatalities or serious injury and informs BEZA authorities in accordance with national reporting requirements.

14. COMMUNITY HEALTH AND SAFETY

The employers shall follow the standards set by World Bank ESS4 in order to ensure the health and safety of the community. During construction of establishments within the zones, they shall be inspected by BEZA as well as public to assess any risks or hazards associated. After inspection, the competent professionals shall certify which shall reflect on the risk of adverse consequences posed by the nature and use of the structural elements and the natural conditions of the area. Since the location is in coastal zone, all the buildings are strictly directed to be designed to survive cyclones and floods in accordance to the BNBC code. Concept of green building is highly motivated and BEZA shall help the investors in designing if they consider designing green buildings.

BEZA shall appoint quality management systems to anticipate and minimize any risks and impacts that may have on community health and safety. Traffic and road safety should be ensured, as the trucks and lorries will be carrying goods and supplies to the project zones, also the reckless driving of the heavy vehicles are to be controlled. The fitness of the vehicles shall be inspected/tested regularly, and driver fitness shall also be assessed. Proper traffic system along with traffic police to be managed by BEZA to ensure traffic and road safety.

Labour influx from different areas might give rise to communicable diseases. Each zone shall have their own health cares and it should be mandatory for employers to provide regular health check-up reports of labours to BEZA. The local people residing near the project shall also have the right to get health check-ups from zonal healthcare free of any charge. The air might be polluted by emission of gases from the transport vehicles, any measures to mitigate the air pollution in the community should be taken. Project management unit of BEZA shall ensure measures to be taken to keep any outbreak of waterborne, airborne disease.

Any hazardous materials used in the project area should be managed and transported with care. A hazardous materials management plan should be conducted to set out the organizational arrangements and responsibilities for hazardous material identification, storage, handling, use, and disposal, and BEZA shall monitor and take necessary mitigation measures for any risks throughout the project life cycle.

Trainings should be given to labours and local people residing near the project area in order to face any unforeseen sudden hazards such as fire, explosions, leaks or spills, etc. BEZA project management unit shall also oversee the presence of necessary equipment in buildings and precautionary measures taken by each employer to fight any sudden occurrence of hazards.

BEZA shall deploy security personnel to maintain security in the zones. The zones to be covered by CCTV cameras and separate security operating room shall at all times monitor the security and order of the zones through those CCTV footages. Night guards shall patrol the local communities residing near the zones to ensure their safety.

Appendix A: Comparative Table of ESF and National Objectives and Requirements

ESF Objectives	National Requirements	BEZA Requirements	Recommended Actions
ESS 2 Labour and Working Conditions			
<ul style="list-style-type: none"> To provide every employee with written particulars of employment Workers to be paid on regular basis, the workers should be well aware of any deductions made and adequate leave and 	<p>The Bangladesh Labour Act, 2006 Section 5 - makes it mandatory for the employer to provide appointment letter for employment of each and every worker and also to issue ID card to the worker free of charge.</p> <p>Section 6 – makes it mandatory for employers to provide service book for every worker employed, the workers are to maintain that service book and any previous service book shall be handed over to the employer prior to their appointment.</p> <p>The control of Employment Ordinance, 1965 also provides a guideline for collection of information relating to employment in industrial undertaking and available persons therefore, and for the control and such employment, and matters connected therewith or incidental thereto.</p> <p>Section 123 – wages shall be paid before the expiry of seventh working day after the last day of wage period in respect of which the wages are payable. All payment of wages shall be made on a working day. No wage period shall exceed one month.</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 Section -6 makes it mandatory for all employers to provide all the workers appointment letter and id card free of charge.</p> <p>Section 7- The employer should be responsible for keeping the worker’s registrar.</p> <p>Section 26- wages shall be paid before the expiry of seventh working day after the last day of wage period. The wage period of any labour shall not exceed 1 month.</p>	<ul style="list-style-type: none"> Contractor will be required to comply with the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019. Payments should be made on regular basis within the specified period as per the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 and should be

<p>holidays to be provided for rest and maternity and sickness, etc.</p>	<p>As of December 01, 2013, the amendment of the labour act was implemented regarding the labour wage and the minimum wage declared by the government in the amendment is Tk. 8000/- specifically for garments workers.</p> <p>Section 102 – maximum working hours in a week is restricted to 48hours, but as of section 108 workers working over 48hrs will be entitled to extra allowance for overtime which would be twice the ordinary basic wage rate.</p> <p>Section 103- for industrial establishment one and a half day and for factories one day in a week should be provided as holiday to the workers.</p> <p>Section 46 – maternity leave and benefit applicable for women workers who are employed for not less than six months immediately preceding the day of her delivery and no maternity benefits shall be payable if at the time of her confinement she has two or more surviving children.</p> <p>If a factory owner doesn't provide 16weeks of maternity leave and benefits, the owner will be fined for 5000tk which is profitable to owner rather than several months of leave and benefits.</p>	<p>Section 40- maximum working hours in a week is restricted to 48hours.</p> <p>Section 45- workers working over 48hrs will be entitled to extra allowance for overtime which would be twice the ordinary basic wage rate.</p> <p>Section 41- Any labour working in an organization will get 1(one) day leave weekly and for this leave his wage can't be cut-off.</p> <p>Section 30- Each Female Labour will get 8(eight) weeks of maternity leave before Child delivery, also 8(eight) weeks after child delivery from her employer and the employer will be bound to give the facilities to her. But It is conditioned she will have to work at least 6(six) months before child birth under her employer to avail this facility. No maternity benefits shall be payable if at the time of her confinement she has two or more surviving children.</p>	<p>monitored by project management unit of BEZA.</p>
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<ul style="list-style-type: none"> Workers should receive written notice of termination and details of severance payments in a timely manner. 	<p>Section 23 – A worker can be effective immediately terminated, retrenched, discharged without prior notice or pay of convicted for any criminal offence or found guilty of misconduct.</p> <p>Section 26- In case of permanent worker, he should be given one hundred and twenty days of notice if he is monthly rated and sixty days in case of otherwise. In case of temporary worker thirty days of notice if he is monthly rated and fourteen days in case of otherwise.</p>	<p>Section 21- A worker can be effective immediately terminated, retrenched, discharged without prior notice or pay of convicted for any criminal offence or found guilty.</p> <p>Section 22- In case of permanent worker, he should be given one hundred and twenty days of notice if he is monthly rated and sixty days in case of otherwise.</p>	<ul style="list-style-type: none"> Advance notice regarding termination, retrenchment, discharge should be given to workers following the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019
<ul style="list-style-type: none"> To promote the fair treatment, non-discrimination and equal opportunity of project workers. 	<p>The Bangladesh Labour Act, 2006</p> <p>Section 332- in case of female worker regardless of her position in the organization, no one can show any kind of inappropriate behaviour towards her that may seem indecent or repugnant to the modesty or honour of the female worker.</p> <p>Equality of treatment (Accident compensation) convention, 1925 ratified by Bangladesh on 22.06.1972</p> <p>Workers’ compensation for accidental injury to foreign workers and their dependants is the same as it is for workers who are Bangladeshi nationals.</p> <p>Equality Remuneration convention, 1951 ratified by Bangladesh on 22.06.1972</p> <p>An equal remuneration for men and women workers for work of equal value is</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019</p> <p>Section 189- in case of female worker regardless of her position in the organization, no one can show any kind of inappropriate behaviour towards her that may seem indecent or repugnant to the modesty or honour of the female worker.</p>	<ul style="list-style-type: none"> Contractors will be required to comply with the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 legislation when recruiting. Gender based discrimination to be strictly prohibited and monitored by BEZA.

	<p>prescribed, and any discriminatory practice is illegal and is a punishable offence.</p> <p>Discrimination (Employment and Occupation) Convention, 1958 ratified by Bangladesh on 22.06.1972</p> <p>The State guarantees equality of men and women in all spheres of life. The law, legislation, rules and regulations have been framed in order to promote equal opportunity and treatment in respect of employment, occupation and training. A separate ministry under the name of Ministry of Women and Children Affairs has been created for protection of women from discrimination and establishment of social justice. A number of laws have been enacted, of which important one is Prevention of Violence against Women and Children Act, 2000.</p>		
<ul style="list-style-type: none"> • To prevent the use of all forms of forced labour 	<p>Forced Labour Convention, 1930 ratified by Bangladesh on 22.06.1972</p> <p>Forced Labour is prohibited in Bangladesh. The country's Constitution prohibits forced labour. Any contravention of the provision is an offence punishable by law. Bangladesh Labour Act, 2006 also prohibits forced labour and contraction labour. It means all forms of forced labour are illegal in Bangladesh.</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019</p> <p>Section 176- One can't forcefully appoint any labour into any industrial organization.</p>	<ul style="list-style-type: none"> • Sudden and random inspection by BEZA will be done on a regular basis to ensure compliance. • Contractor will be required to comply with the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019.

<ul style="list-style-type: none"> To prevent the use of all forms of child labour 	<p>The Bangladesh Labour Act, 2006 Section 34- No child shall be employed to work in any occupation.</p> <p>Section 44- Anyone under age 14 is considered as child and under 18 but over 14 is considered as adolescent. But child over 12 years of age can be employed for light work.</p> <p>Section 37- this suggests a fitness certificate required for adolescents to get employed.</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 Section 175- One can't appoint any under-aged labour into any industrial organization.</p>	<ul style="list-style-type: none"> Contractor will be prohibited to employ anyone under the age of 18 years. Monitoring will be done through the National ID system which every employee is required to produce on employment. 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
<ul style="list-style-type: none"> To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law. 	<p>The Bangladesh Labour Act, 2006 Section 176- focuses 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 procedures for registration of trade unions are set out in detail under Sections 177 and 178 and the requirement for registration are clearly stated in Section 179.</p> <p>The 2006 Act has made a direct provision that if a single trade union remains then that shall be treated as the Collective Bargaining Agent.</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 Section 94- focuses on the Rights of Workers, guarantees all workers of their right to freely form, join or not join a welfare society for the promotion and protection of the economic interest of that worker</p>	<ul style="list-style-type: none"> The workers should have the rights to join registered welfare societies but must face penalty upon joining any unregistered welfare society. Workers should be aware of their rights to organize and deal with any negotiations regarding the project work.

<ul style="list-style-type: none"> To provide project workers with accessible means to raise workplace concerns Grievance mechanism 	<p>The Bangladesh Labour Act, 2006 Section 214 - Labour Court: provides that the government has the right to establish labour court and it shall consist of a Chairman and two members to advise him. Section 216 describes the procedure and powers of Labour courts, and suggests that they would have the same power as vested in courts under the Code of Civil Procedure.</p> <p>Grievance Procedure Section 33 provides a complete procedure of grievance where it is vividly described of whom to complaint and also the actions of employer regarding enquiries and the actions to be taken by the labour court.</p> <p>In case of any grievance against his employer relating to his apprenticeship and if it is not redressed by the employer, apply to the competent authority for redress, and shall abide by the decision of the competent authority, Section 280 (f).</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 Section 133- EPZ Labour Court: provides that the government has the right to establish labour court and it shall consist of a Chairman and two members to advise him.</p>	<ul style="list-style-type: none"> Contractors will be required to comply with the Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 legislation in this regard. Contractors will be required to have a grievance procedure BEZA will require contractors to log worker’s grievances in monthly reports.
<ul style="list-style-type: none"> To promote safety and health at work. 	<p>The Bangladesh Labour Act, 2006 Section 61- Inspectors will assess the condition of building, machinery or plant in an establishment and recommend if any measures are required for handling imminent danger to human life or safety.</p>	<p>Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019 Section 35- The employers are entitled to ensure the safety of workers and also maintain a safe and healthy working environment within the workplace.</p>	<ul style="list-style-type: none"> Each contractor will be required to have a Safety, Health, Environment and Quality (SHEQ) Officer and First Aider. Contractors required to keep logs of incidents and

	<p>Section 79- vividly states that any hazardous operations to be declared beforehand and prohibits employment of any women, children, adolescent or any unfit person for such jobs.</p> <p>Section 80- In case of accidents or any loss of life or bodily injury in project site, the employer is obliged to inform the Inspector within two working days.</p> <p>Section 89- first aid appliances to be strictly maintained and provided as to be readily accessible during working hours.</p> <p>Section 91 to section 94 includes the facilities to be provided to workers during working hours, namely canteens, washing facility, shelters, rooms for children under age 6 of women workers.</p> <p>Section 99- it is compulsory for establishments wherein minimum two hundred (200) permanent workers are employed, to introduce group insurance.</p> <p>Section 150- in case of injuries of workers caused by accident in the course of employment, the employer shall be liable to pay any compensation in accordance with certain provisions.</p>	<p>Section 37 - it is mandatory to facilitate every zone with health cares.</p> <p>Section 36- in case of industries containing more than twenty-five (25) permanent workers, it is obligatory for employers to maintain group insurance for the workers.</p>	<p>should be reported and investigated timeously.</p> <ul style="list-style-type: none"> • BEZA will conduct induction talks to workers and contractors weekly to ensure their safety and health at work place.
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<ul style="list-style-type: none"> • Contracted workers • Community workers • Primary Supply workers 	<p>Section 4- Workers employed by any labour contractor or service provider in any establishment may be classified in any of the following classes according to the nature and condition of work, namely:</p> <ul style="list-style-type: none"> (a) apprentice; (b) substitute; (c) casual; (d) temporary; (e) probationer; (f) permanent; and (g) seasonal worker. 		<ul style="list-style-type: none"> • Community workers should be engaged in the project work.
ESS 4 Community Health and Safety			
<ul style="list-style-type: none"> • 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. • To promote quality and safety, and considerations relating to climate change, in the design and construction of 	<p>The Bangladesh Labour Act, 2006</p> <p>Section 61- Inspectors will assess the condition of building, machinery or plant in an establishment and recommend if any measures are required for handling imminent danger to human life or safety.</p> <p>Section 62- in case of sudden fire, necessary precautions to be taken in advance are well mentioned and provisions of fire exit to be established in buildings are strictly directed.</p>		<ul style="list-style-type: none"> • Contractors should comply with the World Bank environment and social standards since these are not incorporated in Bangladesh labour act, 2006 and Bangladesh EPZ/EZ Labour Law Ordinance No 01, 2019. • More specified and stringent laws regarding community health and safety should be enacted and incorporated in the Bangladesh labour act, 2006 and Bangladesh

<p>infrastructure, including dams.</p> <ul style="list-style-type: none"> • To avoid or minimize community exposure to project-related traffic and road safety risks, diseases and hazardous materials. • To have in place effective measures to address emergency events. • 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. 			<p>EPZ/EZ Labour Law Ordinance No 01, 2019.</p>
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Appendix B: SERVICE BOOK TEMPLATE

ফরম নং - ৭(ক)	পাসপোর্ট সাইজের ছবি
প্রথম ভাগ শ্রমিককে সনাক্তকরণের তথ্যঃ	
১। শ্রমিকের নামঃ	
২। পিতার নামঃ	
৩। মাতার নামঃ	
৪। স্বামী/স্ত্রীর নাম (প্রযোজ্য ক্ষেত্রে)ঃ	
৫। স্থায়ী ঠিকানাঃ গ্রাম/মহল্লাঃ	
ডাকঘরঃ থানাঃ	
উপজেলাঃ জেলাঃ	
৬। বর্তমান ঠিকানাঃ	
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৭। জন্ম তারিখ/বয়সঃ	
৮। জাতীয় পরিচয়পত্র নং (যদি থাকে)ঃ	
৯। শিক্ষাগত যোগ্যতাঃ	
১০। প্রশিক্ষণ/বিশেষ দক্ষতা (যদি থাকে)ঃ	
১১। উচ্চতাঃ সেঃমিঃ ১২। রক্তের গ্রুপ (যদি থাকে)ঃ	
১৩। সনাক্ত করার জন্য বিশেষ কোন চিহ্ন (যদি থাকে)ঃ	
১৪। সার্ভিস বুক খোলার তারিখঃ	
১৫। বাম হাতের বৃদ্ধাস্থলীর ছাপঃ	
শ্রমিকের স্বাক্ষরঃ	মালিক/ব্যবস্থাপনা কর্তৃপক্ষের স্বাক্ষরঃ
	১