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KFW



United Nations Development Programme (UNDP)

Fishery Harbour Rehabilitation and Value Chain Development in Aden

Labor Management Procedure (LMP)

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List of acronyms

CFW	Cash for Work
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GM	Grievance mechanism
LMP	Labor Management Procedure
M&E	Monitoring and evaluation
OHS	Occupational health and safety
PCU	Project Coordination Unit
PPE	Personal Protective Equipment
SFD	The Social Fund for Development
TPM	Third-party monitoring

EXECUTIVE SUMMARY

The environmental and social risks of the **Fishery Harbour Rehabilitation and Value Chain Development in Aden** project are considered substantial given that the project will support several interventions that might be associated with environmental and social risks and impacts. Key potential environmental and social risks—such as OHS, waste generation, risk of Gender Based Violence.

The Fishery Harbour Rehabilitation and Value Chain Development in Aden Project has been prepared to meet the objectives and requirements of the World Bank's Environmental and Social Standard 2 (ESS 2) on Labor Conditions and the Protection of the Labor Force as well as the Yemeni national Labor Law. This LMP sets out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The LMP outlines a Grievance Mechanism (GM) for labor so that any potential dissatisfaction, concerns can be raised by all project stakeholders. For the responsible parties, a Contractor Management guideline has also been drafted so that selection, retention, monitoring and guiding the contractor can be done in accordance with the ESS and national laws/acts.

1. INTRODUCTION

This Labor Management Procedures (LMP) has been prepared for the **Fishery Harbour Rehabilitation and Value Chain Development in Aden project**, which will ensure compliance with Environmental and Social Standard on Labor and Working Conditions (ESS2) and Community Safety and Health (ESS4) of the World Bank's Environmental and Social Framework (ESF)¹ and the national legislation and regulations of the Government of Yemen, with the same overall risk rating consistent with the scope of the anticipated labor requirements and operational arrangements. Accordingly, the purpose of this LMP is to facilitate the planning and implementation of the project by identifying the main labor requirements, the associated risks, and the procedures and resources necessary to address the project-related labor issues. The LMP sets out general guidance relevant to different forms of labor but also issues and concerns that relate to COVID-19 considerations.

¹ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

2. OVERVIEW OF LABOR USE ON THE PROJECT

ESS2 categorizes the workers into direct workers and contracted workers. This Labor Management Procedure (LMP) applies to all project workers as defined in ESS2:

Direct Workers: UNDP will have a dedicated project team based in Aden, including Project Manager (P4), National Coordination, National Specialists in M&E, Environmental and Social Safeguard Team, Gender Specialist, Communication Officer and Project Admin and Finance. The team is backed up by a sub-office in Aden and other subregional offices. The project will have support from the regional hub and from experts in New York. Additional Procurement support is provided from Malaysia. The structure builds on the experience with previous WB grants implemented by UNDP in the country, around 8 workers will be recruited for this project. They include current and new employees who will be assigned to work on the Project, such as the Project manager, supervisors, and the Environmental and Occupational Health and Safety Safeguard Officer, and National Gender and Social Safeguards Officer. It also includes additional staff required during project implementation or also to individual consultants providing technical support.

Contracted Workers: Contracted workers include all persons engaged directly by Implementing Partner(s) and/or contractor(s). third party monitor employees and firm workers as well as personnel contracted directly by the responsible parties such as consultants are also be considered as direct workers. This Includes Labors / Workers recruited by the contractor. The AFH project will involve different contractors for carrying out preparation of documents and implementation of different works.

Primary Supply Workers: worker employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person. Primary suppliers provide goods and services directly to the UNDP.

Community Workers:

Community workers will not be employed in relation to this project.

3. *Timing of Labor Requirements:*

Contractors, supervision, and workers will be all be recruited at the beginning of the subproject.

4. ASSESSMENT OF POTENTIAL LABOR RISKS

a. PROJECT DESCRIPTION

The project Funded and supported by the KFW Development Bank. The development Objective of the project is the improvement of the economic situation of the population, especially of women in the fisheries sector of Aden as well as quantitative and qualitative improvement of the food situation of the population. The immediate objective of the project is to rehabilitate the fish Harbour at Hajif-Aden, to restore the minimum requirements for re-launching operations, productivity and establishing effective management of the Harbour.

Furthermore, the project will contribute to employment creation, especially for youth and women and

mobilize fish value chain actors whose livelihoods depend on sustainable fish production and processing but have been greatly affected by the conflict leading to distorted fish supply and value chain, to help them contribute to the food security and economic recovery in Yemen.

The federal Republic of Germany has made available funds to support the project rehabilitation in the fishery sector, through KFW. will provide innovative technical and financial support needed for immediate interventions that will generate visible changes in the fish production and value chain actors and on the resilience of the people of Aden, whose livelihoods depend on fish but are most adversely affected by the effects of the conflict, namely the issue of food affordability, to which the closure of the fish Harbour negatively contributes.

Financing agreement was signed in December 2022.

The Project will achieve theory of change with an integrated approach that combines: (i) prioritized infrastructure and facilities of the fish Harbour at Hajif in Aden are rehabilitated ensuring their functionality and allowing for operation, (ii) Support the technical and management capacities of the Aden Fisheries Harbor; (iii) Enabling environment in terms of policy and regulations are improved to support project implementation, including removing any barriers to the development of the AFH (iv) improved fisheries value chain , livelihoods, nutrition, and food security for the Aden urban and rural populations.

The LMP is designed for the activities to be implemented by UNDP An indicative structure of activities is presented below:

Component 1: Priority infrastructure and facilities of the Aden fishery Harbour are rehabilitated and equipped ensuring their effective functioning. This output area will focus on the provision of services and equipment that are well outlined in the assessment report recommendations including demolition of prioritized damaged AFH facilities and rebuilding them. Procurement of services and equipment that needs restoration and installing all the necessary support infrastructure to reactivate the whole facility and integrate it into the fish value chain.

Component 2: Improved management capacities for an effective and sustainable operation of the Harbour the AFH has been greatly affected by the conflict which led to its closure in 2015 and since then all activities and services were grounded, and it will be reactivated afresh to enable it function normally. This will require identifying and preparing a fresh team of workers and managers to ensure a sustainable running of the facility. For the start, there will be several MDAs, private sector and cooperatives who will be selected and trained to participate in the operationalization of the facility and to support all the project activities by addressing immediate and longer-term requirements including institutional and technical capacity to strengthen technical, operational, and managerial capabilities.

a. ENVIRONMENTAL & SOCIAL IMPACTS AND INHERENT RISKS

Key potential risks to laborers are expected to be caused during the project construction and risks to the project workers at working sites and workers camps.

Each sub project's ESMP will be assessed and screened for potential social, environmental and OH risks, developing required activities for mitigating such risks via a Mitigation Plan in line with updated WB ESF and UNDP's Social and environmental safeguard policies and standards.

Below is the summary of activities under the **Fishery Harbour Rehabilitation and Value Chain Development in Aden** project.

The key activities include:

The fish harbor located at Hajif, Aden, was established in the late seventies and began operating in 1986. It includes an integrated fisheries handling and processing facilities, services, and marketing. It has been built over an area of 96,612 square meters. The harbor is considered the main fishing center in Aden and links the eastern and western coastal governorates along the coastal strip of the Republic of Yemen.

The conflict in the country has disrupted the country's existing Aden fish harbor facilities with its components of berth, refrigerators, and halls\landing sites for preparing fish products for exporting plus associated fishing support facilities like the berth, water supply, wastewater facilities, roads quay, power support systems and laboratories, led to the suspension of the port operations, which has now been permanently closed. Lack of maintenance and spare parts also affected the functionality of the harbor.

Hence, the harbor facilities have been suspended for quite a long time and are now impacted by the conflict and lack of maintenance and/or replacement. In addition, the safety of cargo mooring large and small boats is compromised either because of the lack of restoration of the quay, and/or broken-down communication and equipment systems.

UNDP is planning to rehabilitate/reconstruct and set the harbor facilities into action again thus contributing to improving food security, generating new possibilities for economic recovery and empowerment in Yemen as this is aligned with the overall goal of the United Nations Sustainable Development Cooperation Framework 2022-2024.

The fishing harbor is located at Al-Tawahi district in Aden city, Yemen. The Grid Coordinates of harbor is latitude 12°47'39.77"N longitude 44°59'42.13"E.

The following vessel sizes described below to be considered for infrastructure planning and design:

- Coastal fishing boats, whose specifications are specified in the Fishing Law, are either wooden such as Taiwanese boats or iron boats, which do not exceed 20 meters in length and have an internal engine power of not more than 280 horsepower.
- Industrial fishing boats and their specifications were specified in the Fishing Law, which does not exceed a length of 70 meters and an engine power of 3000 horsepower.
- Boats of different tonnage (1075-1491) tons and a length of 57 meters, such as Russian boats and Marine Draft.
- Fish cargo ships (Mader) length 40 to - 110 meters approximately draught in front and behind to approximately 6 meters.



The Site boundary.

SITE WORK OF FISHING HARBOR IN ADEN PORT

The site is located inside fish harbor at Hajif in Aden, Yemen, it was established in the late seventies. The site works include but not limited to gravel roads, asphalted roads, wastewater facilities, water supply system, sewage system, and electrical system.

Road:

The main artery connecting the fishing port with the city road is a bumpy road that makes it difficult to access the site. In addition, there are some areas that are damaged due to maintenance work on the water and sewage pipes, which were left unpaved with asphalt after maintenance. Furthermore, rainwater is collected in several areas, making it difficult to access the site during the rainy season.

Furthermore, the service life is deteriorating due to lack of maintenance. The total length of the road is about 1750 m, of which 1,400 m is already asphalted with defects on it, and the rest is a bumpy road which needs to be leveled and asphalted (paved).

Sewage and water supply system:

The existing sewage system consists of old 8-inch pipes, which discharge by gravity to a pumpstation. All surrounding buildings are connected to the pipeline or directly to the old pumping station, which is submerged by waste. From here the wastewater is discharged to the sea by a low-head pump through a new 6-inch UPV pipeline. The system is serving the population of Hojef as well, which has grown dramatically. Wastewater partial treatment was provided by septic tanks originally.

For handling surface water, a separate system using open channels or large diameter concrete pipes is provided discharging at several places to the sea.

With regards to water supply, the site has a water reticulation system which is connected to the public supply system by one pipe of 4 inches diameter. The pipelines are damaged in some parts of the site. No water storage is provided on site.

Electrical

The electrical work consists of six transformers (four with rated current power 1000kVA, and the remaining two with 650 kVA power) with the HV cables. However, the transformers are in bad condition since there was no routine maintenance and due to missing parts.

b. Key Labor Risks Include:

Drawing upon experience and lessons learned from other similar infrastructure projects in Yemen, the following are key labor risks anticipated during the implementation of the Project:

• Child Labor and Forced Labor

As the construction activities will involve hazardous work, persons under the age of 18 will not be employed by the project. Similarly, no child, forced, involuntary or unpaid labor will be used in any works activities directly associated with the project. Subprojects will be implemented by Contractors. Ensuring that the terms and conditions for these workers are in accordance with the requirements of national law and in compliance of this LMP, child and forced labor.

- **Gender-based Violence (GBV)/Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH):**

- **Gender-based Violence (GBV)**

To prevent and address GBV, we must work on dedicated actions and strategies. Gender analysis will be reviewed and updated to account for gender differentiated impacts and response regulations (e.g. loss of economic opportunities, women unable to participate/access benefits due to additional caregiving workload given discriminatory gender norms). Grievance Mechanism should also be able to deal with GBV.

- **Sexual Harassment (SH)** is defined as unwelcome sexual advances, requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature. SH differs from

SEA in that it occurs between personnel/staff working on the project, and not between staff and project beneficiaries or communities. The distinction between SEA and SH is important so that agency policies and staff training can include specific instructions on the procedures to report each. Both women and men can experience SH.

- **Workplace related Sexual Exploitation and Abuse (SEA)** is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse is further defined as “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.” Women, girls, boys and men can experience SEA. In the context of World Bank supported projects, project beneficiaries or members of project-affected communities may experience SEA

- **Occupational Health and Safety (OHS):**

The OHS risks are considered substantial based on the typology and scale of investment and based on the fact that a portion of contracted workers from contractors/subcontractors are unskilled and untrained, In addition, some accidents may occur leading to injuries and even fatalities.

In general, hazards will depend on the type of subproject works to be implemented. Workers will be exposed to occupational health and safety hazards, including but not limited to:

- **Health risks.** Health risks due to working in a pollution environment with Asbestos, high dust concentration caused by the construction activities of site clearance and demolishing of old structures, soil excavations, leveling, machine operation and transportation.
- **Health risks associated with exposure to air pollutants.** These include but not limited to:
 - Particulate matter pollutants, primarily dust and cement debris from demolition and construction activities.
 - Ultrafine particulate matter from asbestos, stone wool and other unidentified synthetic mineral fibers that was traditionally used as insulation materials in the ice and fish handling industry.
 - Volatile organic compounds (VOCs) emitted from paint, fuel, lubricant oils and other gasses or liquid chemicals used on site for construction.
- **Accidents due to structure collapse.** Excavation and demolishing activities can cause a damage of nearby existing structure foundations leading to the structure collapses causing serious injuries to workers.
- **Accidents due to falling in water.** Workers may fall down in water cause serious injuries due to dizzying or/and strong wind, waves or/and careless working without compliance with working safety.
- **Accidents due to falling from high levels.** Workers may fall down from a high-level due to incorrectly installed scaffolding, uninsured ladders and unprotected steel bars during construction of operational houses, roofs of wharves, bridges, electric systems leading to labor accidents.
- **Falling objects:** Workers working below a building/power tower being constructed may be hit by hard objects falling from a high-level causing injury.
- **Electrical shock:** Workers may expose to live electricity during testing TLs, substations and using power for soldering. Electrical shock can cause serious injuries or fatalities.
- **Accidence due to iron cut/ welding.** Workers cutting irons and soldering without using proper PPE (e.g. protective glasses) may be suffered with eye accidents with serious injuries even blinding. In addition, burns and electrical shocks can occur with improper use of the welding equipment.

- **Accident due to fire and explosion.** Worker's welding can generate fire catching flammable materials nearby especially fuels and gases leading to a fire or explosion causing serious affects to workers and communities.
- Risks due to asphyxiation in closed spaces.
- Health risks due to air pollution. These risks can take place inside the building or the dockyards. The accumulated dust observed in the building is most likely infected.
- **Accident due to heavy equipment.** Several working sites (e.g. Fishing ports) may gather many workers and heavy machines (e.g. cranes) working in a narrow space for different works. Moving heavy equipment may hit workers working nearby causing injuries.
- **Occupational disease.** Workers working under a condition with noise generating from heavy machines (e.g. Power operators) can be suffered with occupational disease such as hearing loss. Similarly, prolong exposure to particulate matter (i.e., dust) can affect the respiratory system and cause diseases such as pneumonia.
- **Health risks on infection with COVID-19.** Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).
- **Security risks:** such as human trafficking, piracy, armed attacks, explosions...etc.

The OHS risks can be controllable through providing proper working site management of contractors combined with a daily close supervision of responsible parties on labor safety and strictly periodic E&S monitoring during project implementation can be effective measures to address labor accidents. Information about social diseases such as COVID- 19 and prevention methods will be provided to workers through training programs and information disclosure; Regulations, penalties for the violated workers at the site must be developed; The contractor must be closely work with local authorities to manage the number of workers at the construction site. Costs for procuring PPE and other safety measures will be included in the project budget.

5. TERMS AND CONDITIONS

The Republic of Yemen has drafted policies and established institutions and responsibilities for Labor management, joined international conventions and developed sector legislation and procedures. The Labor Law (Act No. 5 of 1995) regulates the rights and wages of workers in the private sector, their protection, occupational health, and safety. In addition, Insurance and Wages Law 25/1991 and Social Security Law 26/1991 regulates retirement compensation. The following terms and conditions apply for workers as per the Government of Yemen Labor Laws (in addition to the provisions of ESS2). In case of variations between the national legislations, regulations, UN agencies guidelines and the World Bank Environment and Social Standards, the more stringent provision will be applied.

These provisions will apply for: **Direct workers and contracted workers.**

Employment Agreement:

All employers are required to enter into an employment agreement in writing with their employees. Illiterate people will be given a detailed explanation of the agreement before signing. The agreement should include provision on salary, duration of worker's contract, days of leave and rest, weekly hours of work, conditions for severance. Upon signing a contract of employment, a worker may be subject to a probationary period not exceeding six months with the same employer, to be stipulated in the contract. It shall be forbidden to employ a worker on probation more than once for the same job.

Working Hours:

Official working hours shall not exceed eight hours per day or 48 hours per week. Weekly hours of work shall be distributed over six working days followed by one day of rest with full pay. No employee shall be required to work more than 6 (six) consecutive days a week (on a day that is normally a day off or has been agreed as a day off), without being provided with twenty-four consecutive hours of leave. Official working hours during the month of Ramadhan shall not exceed six hours per day or 36 hours per week.

Dismissal:

Employees have a right not to be dismissed unfairly, without cause. The Act provides a list of disciplinary measures that can be taken reasonably against an employee due to misconduct and which must ordinarily be exhausted before any dismissal. It shall be forbidden for an employer to terminate a contract of employment in the following cases:

- During any of the worker's leave.
- During the investigation of a dispute between the employer and the worker, provided that such investigation shall not exceed four months, unless the worker commits another violation which requires his dismissal.
- During the worker's detention by the competent authorities in connection with his work, pending a final decision in the matter.

Wages and deductions:

In the Yemen Labor Code, Article 5 it details that the minimum wage payable to a worker shall not be less than the minimum wage paid by the state administration. The average daily minimum wage of a worker remunerated on the basis of production piece rates shall not be less than the daily minimum wage specified for the occupation or industry concerned. The daily wages of workers not paid on a monthly, weekly or daily basis shall be calculated on the basis of the average wages earned by their counterparts for days effectively worked for the same employer over the past year or during their period of service if less than one year. Employees may be fined for absenteeism from work during official working hours, such fine to be deducted from his/her wages and to be commensurate to the time absent from work. No other fines shall be imposed by the employer on account of absenteeism.

The minimum wage payable to a worker shall be as follows:

- Contracted workers based on daily wages paid by the contractor to be in line with the current market rates paid for skilled, semi-skilled or unskilled Labor. The daily rates could differ from one

governorate to another; hence, it should be equivalent to the wages paid in the specific location.

Overtime Work:

Article (50) of the labor law states that employees shall not be required to work overtime except unless this has been agreed in the employment agreement. Wages for overtime work shall be calculated according to the following rates:

- One-and-a-half hours' basic wages per hour of overtime on normal working days.
- Two hours' basic wages per hour of overtime at night, on the day of weekly rest, and on official holidays and leave, in addition to entitlement to standard wages for such holidays.

Women's employment:

The Labor Law (Law 5/1995) states that women are equal to man in all aspects without any discrimination, and that equality should be maintained between women and men workers in recruitment, promotion, wages, training, social insurance. It also regulates work time for pregnant women.

Women shall be equal with men in relation to all conditions of employment and employment rights, duties and relationships, without any discrimination. Women shall also be equal with men in employment, promotion, wages, training and rehabilitation and social insurance. The requirements of job or occupational specifications shall not be considered as discrimination.

It shall be forbidden to assign a woman to overtime work as from the sixth month of her pregnancy and during the first six months following her return to work after maternity leave.

Gender-based Violence (GBV)/Sexual Exploitation and Abuse (SEA)/Sexual Harassment (SH):

Yemen ratified the Convention on Elimination of all Forms of Discriminations Against Women (CEDAW) in 1984, and prepared a National Strategy for Women Development in 1997, which was updated in 2015. Implementation of CEDAW is delegated to relevant ministries and authorities (Decree 55/2009). Based on amendments proposed by the Women National Committee, 24 laws were amended to ensure building gender balance in accordance with the convention.

To the extent possible, the project will promote gender equality and the empowerment of women and seek to reduce gender inequalities in access to and control over resources and the benefits of development.

- Sub-projects will ensure that both women and men are able to participate meaningfully and equitably, have equitable access to project resources, and receive comparable social and economic benefits.
- Sub-projects will not discriminate against women or girls or reinforce gender-based discrimination and/or inequalities.
- Sub-projects will ensure precautionary measures are in place to prevent potential exposure of beneficiaries, workers, and affected people to sexual exploitation and abuse.
- Sub-projects will ensure precautionary and control measures are in place to prevent potential exposure of beneficiaries, workers, and affected people to health and safety hazards.
- Sub-projects will ensure that all participants receive information sessions on the CoC.

A key element of the Code of Conduct (CoC) is the sanctions that may be applied if an employee is confirmed as a SEA/SH perpetrator. The sanctions need to be proportional to the violation. These provisions will apply for: **Direct workers, contracted workers**. Prior to imposition of sanctions, if a worker raises a credible challenge to alleged violation with the CoC, the worker's employer should place the worker on administrative leave pending a full and fair review to determine the veracity of said allegation(s). Examples of potential sanctions include the following:

- Informal warning;
- Formal warning;
- Additional training;
- Loss of up to one week's salary;
- Suspension of employment (either administrative leave as above or without payment of salary), for a minimum period of one month up to a maximum of six months;
- Termination of employment; and/or,
- Referral to the police or other authorities as warranted.

Moreover, E&S documents should identify the risk of SEA/SH and propose prevention and mitigation measures—particularly through the project ESMP.

Prohibition of Child and Forced Labor

Yemen has ratified ILO Convention Number 138 on Minimum Age for Admission to Employment (Law 7/2001). The Convention establishes a minimum age for admission to employment.

Yemen has also ratified the ILO Convention 182 on the Worst Forms of Child Labor. It refers to child labor as work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work.

Hence documentary evidence (passport, identity card or birth certificate) of all workers prior to involving them on activities of the project, shall be verified.

Occupational Health and Safety

Yemen's Labor Code Chapter IX details the legal framework on Occupational Health and Safety (OHS). In accordance with Article 113 any employer who starts a new enterprise must ensure that it meets occupational safety and health requirements which will be checked by the relevant Ministry.

Article 114 of the Yemen Labor Code lists the various conditions which must be applied to ensure occupational health and safety. In the case of occupational injury, employers are not to deduct the costs related to such injuries from the employee's wages.

Article 114 also addressed the concerns of explosives as follows: The necessary precautions shall be taken against the hazards of excessive light, noise, harmful or dangerous radiation, vibration, variation in atmospheric pressure inside the workplace, including any risk of explosion.

Responsible parties shall observe the following rules:

- Workplace health and safety conditions shall be maintained in conformity with occupational safety and health requirements.
- Workplaces shall be properly ventilated and adequately lighted during working hours.
- The necessary precautions shall be taken to protect workers from such damage to their health as may be caused by gas, dust, smoke or any other emissions or waste likely to be discharged.
- The necessary precautions shall be taken to protect workers against the hazards of equipment and machinery, including any risks of collapse.
- The necessary precautions shall be taken against natural hazards and damage, including health, humidity and cold.
- The necessary precautions shall be taken against the hazards of excessive light, noise, and any risk of explosion.
- Easily accessible lavatories and washrooms shall be provided, and separate lavatories and washrooms shall be provided for women workers.
- An adequate and easily accessible supply of drinking water shall be provided for the worker's use.
- The necessary precautions shall be taken to deal with fires and provide fire-fighting equipment, including emergency exits, which shall be maintained in working order at all times.
- Accidents and occupational diseases shall be recorded in a register and notified to UNDP within 24 hours.

The Contractors/Responsible parties shall not deduct any amount from their wages in consideration of:

- The provision of protective devices, equipment and clothing to protect workers from exposure to occupational injuries and diseases;
- Any allowances granted to workers for working in conditions harmful to their health, or any meals provided to them in compliance with occupational safety and health requirements.
- Expenses incurred on account of workers' medical examinations, regular or otherwise, as necessitated by occupational safety and health requirements.
- The provision of first aid equipment at the workplace.

In addition, Contractors/Responsible parties will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gears, receive basic safety training and other preventive

actions as provided in the Project's Environmental and Social Management Framework (ESMF).

Nevertheless, responsible parties will have to:

- Ensure that an appropriate level of management and resources are in place to comply with the occupational health and safety requirements,
- Provide visible commitment and leadership to occupational health and safety,
- Identify and evaluates risks and normalizes the activities (rules, instructions, and procedures),
- Analyze all incidents and accidents,
- Evaluate the indicators of OHS performance,
- Carry out the internal audits of OHS MS,
- Evaluate the OHS training requirements,
- Carry out the medical follow-up of the workers after incidents.

COVID-19 specific Occupational Health and Safety

These provisions will apply for: **Direct workers, contracted workers.**

- The health conditions of the workers will be assessed prior to engaging them in the Project, and sick workers will be refused entry to the office premises.
- Entry/exit to site or the workplace will be minimized, and measures will be put in place to limit contact between workers and the community/public.
- Trainings for workers on hygiene and other preventative measures will be carried out, and a communication strategy for regular updates on COVID-19.
- Adjustments will be made to work practices to reduce the number of workers and increase social distancing.
- Procedure to follow if a worker becomes sick (following WHO guidelines), will be instituted and followed up.
- Adequate supplies of PPE (masks); hand washing facility, soap and/or alcohol-based sanitizer, will be made available at the office premises/worksites.

6. RESPONSIBLE STAFF

UNDP will engage the MoAIFW, GAF, private sector actors (fishing companies, retailers), Aden Chamber of Commerce, fisheries cooperatives as well as women fora, fisheries associations, and other relevant institutions (local authorities).

- **Engagement and management of project workers**

UNDP will supervise Contractors/Responsible parties to carry-out project specific tasks. The Contractors/Responsible parties management is responsible for employing project workers, and to ensure that all labor measures taken at sites where sub-project activities are implemented. UNDP and Contractors/Responsible parties are responsible to:

1. Apply this labor management procedure to direct workers,
2. Update this Procedure when necessary in the course of preparation, development and implementation of the Project,
3. Maintain records of recruitment and employment process of direct workers,

4. Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation,
5. Monitor training of the project workers on OHS,
6. Develop, and implement workers' grievance mechanism and address the grievance received from the direct, contracted and sub-contracted workers.
7. Sign a Code of Conduct with all workers.

- **Engagement and management of contractors/subcontractors**

The responsible parties will be responsible for engagement and management of contractors. The field staff are assisted by Supervisory Consultants, and technical engineer, and safeguards focal point in branch for the management of contractors and workers, ensuring compliance and monitoring of activities and providing labor instructions on safety and security. Contractors are also expected to develop their Labor Management Plans based on this LMP. Contractors will be responsible for the following:

1. Ensure that this labor management procedure is applied to contracted workers,
2. Comply with OHS mitigation measures included in the ESMF and this labor management procedure. These measures will apply to contracted and sub-contracted workers,
3. Maintain records of recruitment and employment process of contracted and community workers,
4. Clearly communicate job tasks and employment conditions to contracted and community workers,
5. Have a system for regular review and reporting on labor, and occupational safety and health performance,
6. Deliver regular induction (including social induction) and HSE training to employees.
7. Contractors should also ensure implementation of the workers GRM.

- **Occupational health and safety (OHS)**

Responsible parties will promptly notify the UNDP of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, communities, or workers including exploitation or abuse of vulnerable groups, sexual exploitation and abuse and sexual harassment (SEA/SH), child labor, forced labor, injuries to workers that require off-site medical attention, misuse or spills of pesticides, fatality, among others. They will also provide sufficient detail regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address it. Subsequently, prepare a report on the incident or accident and propose any measures to prevent its recurrence.

UNDP and responsible parties environmental and OHS Focal Points are responsible for ensuring compliance with all OHS measures and that an appropriate level of management and resources are in place to comply with the OHS requirements, including fire management, the free distribution of personal protective equipment (PPE) and first aid kits. The monitoring in the field is through the Branch Office managers, Branch Office safeguards focal point and individual site focal point for daily monitoring.

- **Training of workers:**

Contractors/Responsible parties under the supervision and management of UNDP will ensure to provide training to all their workers on basic ESHS risks associated with the proposed construction works and the workers' responsibility.

Sub-projects specific ESMPs shall include weekly toolbox meetings at the work sites with a focus on the following themes: health and safety; child labor; forced Labor; gender-based violence, including the mechanism for submitting GBV/SEA complaints; compliance with codes of conduct; etc.

Site engineers will provide a weekly or ad-hoc (if and when required) toolbox talks and/or meetings with the construction workers on ESHS risks associated with the construction activities, which have been executed during the past week and for those which are foreseen to be carried out during the next week.

- **Addressing worker grievances**

Workers' complaints will be resolved mainly in the field by the supervisor consultants, technical engineer through the GM procedure, when necessary, raised to senior management for ensuring fair solution is reached. The project beneficiaries will submit their complaints through the GRM challenges to the UNDP and the responsible parties.

8. *GRIEVANCE MECHANISM (GM)*

A complaint in the GM ensures stakeholders including project's workers and community members can express dissatisfaction about the standard or quality of the Responsible Party's activities. Additionally, it allows identification of any negative and lack of actions taken by either of the Responsible Party or their partners that directly or indirectly cause distress to the affected beneficiary or any other party.

While grievances will be received within the main GM reporting systems of the UNDP, grievances specifically concerning GBV/SEA/SH will be triaged and referred to GBV/SEA/SH specialists for adequate support and redress.

8.1 Project-Level Grievance Mechanism

During the design, construction and implementation of any sub-project, a person or group of people may perceive or experience potential harm, directly or indirectly due to the project activities. The grievances that may arise can be related to social issues such as eligibility criteria and entitlements, disruption of services, temporary or permanent loss of livelihoods and other social and cultural issues. Grievances may also be related to environmental issues such as excessive dust generation, damages to infrastructure due to construction related vibrations or transportation of raw material, noise, traffic congestions, decrease in quality or quantity of private/ public surface/ ground water resources during irrigation rehabilitation, damage to home gardens and agricultural lands, etc.

Should such a situation arise, there must be a mechanism through which affected parties can resolve such issues in a cordial manner with the project personnel in an efficient, unbiased, transparent, timely and

cost-effective manner. To achieve this objective, a Grievance Mechanism has been included in the ESMF and SEP for this project.

The GM will not impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

The Grievance Mechanism:

- provides a legitimate process that allows for trust to be built between stakeholder groups and assures stakeholders that their concerns will be assessed in a fair and transparent manner;
- allows simple and streamlined access to the Grievance Mechanism for all stakeholders and provide adequate assistance for those that may have faced barriers in the past to be able to raise their concerns;
- provides clear and known procedures for each stage of the Grievance Mechanism process, and provides clarity on the types of outcomes available to individuals and groups;
- ensures equitable treatment to all concerned and aggrieved individuals and groups through a consistent, formal approach that, is fair, informed and respectful to a concern, complaints and/or grievances;
- provides a transparent approach, by keeping any aggrieved individual/group informed of the progress of their complaint, the information that was used when assessing their complaint and information about the mechanisms that will be used to address it; and
- enables continuous learning and improvements to the Grievance Mechanism. Through continued assessment, the learnings may reduce potential complaints and grievances.

The GM will be gender- and age-inclusive and responsive and address potential access barriers to women, the elderly, the disabled, youth and other potentially marginalized groups as appropriate to the Project. The GM will not impede access to judicial or administrative remedies as may be relevant or applicable and will be readily accessible to all stakeholders at no cost and without retribution.

Information about the Grievance Mechanism and how to make a complaint and/or grievance will be communicated during the stakeholder engagement process and placed at prominent places for the information of the key stakeholders.

GM will be designed in such way that 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. Every concerned stakeholder will be informed of the grievance mechanism in due time and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all project stakeholders, such as toll-free hotline telephone number, SMS, email and WhatsApp messenger. If complaints can be solved immediately on the spot or at the project level, then staff must be encouraged (and managed) to do so.

A key part of the grievance mechanism is the requirement for the Project Management Team and construction contractor to maintain a register of complaints and/or grievances received at the respective project site offices, this includes grievances from workers. The following information will be recorded:

- time, date and nature of enquiry, concern, complaints and/or grievances;
- type of communication (e.g. telephone, letter, personal contact);
- names contact address and contact number.
- anonymous complaints are also registered, investigated and solved
- response and review undertaken as a result of the enquiry, concern, complaints and/or grievances; and

- actions taken and name of the person taking action.

8.2 Grievance and Informing the Persons

UNDP, in collaboration with Responsible parties aim to redress the grievances in a short period of time. The grievances of each person shall be evaluated with a fair and objective and approach. In all circumstances, the grievances are followed until all appropriate remedies are tried. The person will be provided with information about the resolution and asked for feedback. Also, anonymous grievances will be addressed in the Project. The grievances related to exploitation of female workers, including sexual harassment and abuse, GBV at the workplace and unfair treatment will be prioritized to take actions.

Contractors/Responsible parties should also ensure that leaflets on GRM are distributed during public meetings and made available at subproject sites with contact numbers of the focal person for the GRM. Posters will also be posted.

The Project Manager, Field Coordinator, Safeguard Specialist and Communication Specialist, as appropriate, shall be responsible for taking appropriate action in cases in which there is reason to believe that any right has been violated. All grievances and feedbacks will be handled with a fair and objective approach. Transparency and accessibility are also two main concerns of this redress mechanism. In addition, the number, frequency, topics of grievances and feedbacks will be analyzed and reported periodically to the related units and administrative level. Based on these detailed reports, the most frequently addressed issues are identified, and improvement activities are initiated.

9 Contractor Management

Several services will be provided within the project to achieve project goals and to manage the project activities as appropriate. These services are software development, IT infrastructure development, server and database management, preparing training implementation plan and training documents, online training module development, investment planning, field works such as controlling workers on site, etc.

In the selection process of contractors, various criteria will be specified in tender documents such as previous works completed, previous experience, qualification of contractor's human resources, compliance in health and safety issues, precautions taken on child labor and forced labor employment. The measures to manage the contractor will be added in the contractor clauses in the bidding documents to ensure the legality. The clauses will include the mitigation measures for potential labor risks, the rights and wages of workers, terms and conditions of employment, insurance for workers and third party, gender rights, and grievance management procedures, safety requirements such as emergency plans including agreement with hospitals, contractor's safety supervision staff and PPEs provision. According to the selection criteria, the ones who comply the best will be selected as contractors. The above-mentioned eligibility and liability conditions are applied in the case of public/traditional contractors.

There are some instances in which these above-mentioned eligibility and liability conditions cannot be applied; specifically, for community contracting, which is a secondary implementation modality used by

Responsible parties to maximize the role of communities in managing and implementing specific initiatives. Community contracting involves the target communities, through elected community committees, in planning, implementing and managing development initiatives through community contractors and local suppliers. Therefore, the eligibility conditions for community contractors are less demanding (e.g. there is no condition of having two subprojects' worth of experience and/or financial capability) and the liability is shared between them and the Responsible parties, particularly in conducting safeguard training and awareness, recruiting technical staff, enforcing safeguards measures and providing insurance of workers. The budget towards these types of activities and training, etc. needs to be included in all contracts under the project.

During the implementation phase of the services Responsible parties under the supervision and management of UNDP will organize planned and unplanned visits to contractors' offices and/or place where work is being performed. In these visits the progress achieved, health and safety-related issues and child and forced labor employment status will be observed. The site reports will include the KPIs for contractor management and the outputs will be reflected in the monthly reports. In case of non-compliance by the contractors, corrective actions will be taken.

10 Budget estimation for implementing this LMP

UNDP will prepare an annual budget to implement this LMP and to ensure the provision of necessary resources. The budget will include:

- The provision of competent personnel to manage labor issues being aligned with the requirements and commitments.
- Monitoring and reviewing the Projects LMP regularly.
- Budget for re-training workers