**Annex 9: Environmental Social Management Framework (ESMF)**

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| **Icon  Description automatically generated with medium confidence** | Environment and Social Management Framework (ESMF) |

**For UNDP-supported, GEF-financed project in Sri Lanka:**

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| **Project Title:** | Integrated Management and Environmentally Sound Disposal of POPs Pesticides in Agricultural Sector and Mercury in Healthcare Sector in Sri Lanka |
| **UNDP-GEF PIMS ID number:**  | 6677 | **GEF ID number:** | 10868 |
| **Country:** | Sri Lanka |
| **Implementing Partner:** | Ministry of Environment (MoE) |
| **Management Arrangements:** | Assisted National Implementation (NIM) with support by UNDP Country Office (if approved by GEF at CEO Endorsement) |
| **GEF-7 Focal Area/Non-Focal Area:** | Chemicals and Waste |
| **Co-financing Administered by UNDP:** | N/A | **Total Project Cost:** | USD 5,040,000 |
| **CEO Endorsement/Approval** | 7 June 2023 | **Expected Project Start Date:** | 1 October 2023 |

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| **Public Consultation/Disclosure Notice** |
| Date: 15/09/2022 /Vehicle: UNDP Country Office Webpage |
| The United Nations Development Programme (UNDP) is requesting feedback on the Environmental and Social Management Framework and associated Social and Environmental Screening Procedures for the GEF Project 6677 (GEF ID 10868) “Integrated Management and Environmentally Sound Disposal of POPs Pesticides in Agriculture Sector and Mercury in Healthcare Sector in Sri Lanka.” The public consultation will be opened for 120 days **(The last date for receiving comments is 12/01/2023).**Comments and questions can be sent to the following address: |
| **United Nations Development Programme in Sri Lanka**202-204, Bauddhaloka Mawatha, Colombo 07**Tel**: +94 11 2580 691,**Fax**: +94 11 2581 116**Email**: registry.lk@undp.org**Website**: www.undp.org/srilanka |
| **Note:** *UNDP takes note of the SES Guidance that applies to this ESMF disclosure procedure: “If undertaken as part of project implementation, must be disclosed and consulted on at least 120 days prior to implementation of any activities that may cause adverse social and environmental impacts*” |

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**Executive Summary**

Sri Lanka is Party to both the Stockholm and Minamata Conventions, thus has international legal obligations to control, reduce and eliminate the use of such hazardous substances. Sri Lanka is not a chemical producing country, and all the chemicals required for agriculture, industry and laboratory use are imported to the country from different sources. Thus, this project is designed to respond to the requirements of the Stockholm Convention (to reduce the risks of POPs, eliminated POPs stocks and reduce emissions of POPs pollutants) and the Minamata Convention (to eliminate/replace the use of Mercury and mercury-containing equipment) for the benefit of human health and the environment. The Project will work in four areas of intervention to remove the barriers stated above and create long-term solutions in Sri Lanka:

Component 1 - Improve institutional capacities that will enable Public Sector stakeholders to implement regulatory systems for the sound management of POPs, mercury and other CoCs, focusing on strict enforcement of import controls and use of regulated chemicals.

Component 2 - Deploy environmentally sound management strategies and actions for storage/interim storage and disposal of obsolete stocks of POPs pesticides, mercury and their wastes (containing or contaminated by POPs and mercury).

Component 3 - Align the immediate response to COVID-19 pandemic to long-term HCWM management systems and strategies; deploy long-term sound management strategies in the healthcare sector; and promote recycling of certain waste streams and reduce U-POPs emission.

Component 4 - Gather and share knowledge, support training, replication and scalability of project results, manage, monitor and evaluate the project.

Therefore, this Environmental and Social Management Framework (ESMF) has been prepared based on the Social and Environment Screening Procedure (UNDP’s SESP) for submission of project to the GEF for CEO Endorsement. This ESMF was completed as part of the project design phase that included consultations with the Implementing Partner, local communities, private sector and civil society entities.

Twelve potential risks have been identified for this project, three of which are assessed as SUBSTANTIAL and nine as MODERATE. As a result, an as a precautionary measure, the overall risk categorization for this project is determined to be SUBSTANTIAL. It was concluded that these risks relate to activities with potential adverse social and environmental risks and impacts that are more varied or complex but remain limited in scale and are of lesser magnitude which can be reversible, predictable, have smaller and contained footprint, with less risk of cumulative impacts.

This ESMF covers activities in Components 1, 2, 3 and 4. The co-financed activities related to baseline projects and replication of activities related to Components 2 and 3 are also covered under this ESMF but in the way as will need to be consistent with UNDP SES. The ESMF will follow precautionary actions during project implementation and is aligned with UNDP SES requirements, as proposed:

1. Confirm risks/mitigation requirements during project preparation phase.
2. Carry on SESA (Components 1 and 4) and ESIAs to identified Activities under Components 2 and 3.
3. Development of ESMPs to mitigate and monitor any potential interconnections of Risks 4 to 12.
4. Preparation additional targeted risk management plans for risks 4 to 12: Spill Prevention and Management Plan: Occupational Health and Safety Assessment; Biodiversity Management Plan; Code of Conduct for Construction and Security Workers; Labour Management Plan and Pollution Prevention and Management Plan.
5. Conduct annual reviews of safeguard instrument performance.

Finally, this ESMF also details the roles and responsibilities for its implementation and includes a framework for a Grievance Redress Mechanism, budget and monitoring and evaluation plans. The Grievance Redress Mechanism (GRM) will provide a formal avenue for affected individuals or communities to engage with the Project implementers or sponsors on issues of concern or unaddressed environmental and social impacts. It aims to manage and satisfactorily respond to the complaints of individuals or groups of people regarding the environmental and social performance of the Project. The GRM process will be managed by a Grievance Redress Committee (GRC). None of the members of the Committee shall have a conflict of interest involving any complaint lodged.

**Abbreviations and Acronyms**

|  |  |
| --- | --- |
|  |  |
| CCWTF | Centralized Clinical Waste Treatment Facilities |
| EIA | Environmental Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| FSP | Full Sized Project (GEF) |
| GEF | Global Environment Facility |
| GEFSEC | Global Environment Facility Secretariat |
| GRM | Grievance Redress Mechanisms |
| HHP | Highly Hazardous Pesticides |
| PIR | GEF Project Implementation Report |
| PMU | Project Management Unit |
| POPs | Persistent Organic Pollutants |
| PPG | Project Preparation Grant (GEF) |
| SECU | Social and Environmental Compliance Review Unit (UNDP) |
| SES | Social and Environmental Standards (UNDP) |
| SESP | Social and Environmental Screening Procedure (UNDP) |
| SRM | Stakeholder Response Mechanism (UNDP) |
| UNDP | United Nations Development Programme |
| UNDP-GEF | UNDP Global Environmental Finance Unit |

**1.** **Introduction**

An Environmental and Social Management Framework (ESMF) is an instrument that examines potential risks and impacts when a project consists of a series of sub-projects/activities or subsequent implementation of policies, plans, programmes (PPP) that cannot be fully assessed until the details of the PPP and/or activities have been identified (often later in the project cycle). The ESMF sets out the principles, rules, guidelines and procedures to ensure the social and environmental risks and impacts of the forthcoming but as yet unspecified activities are fully identified (screened) and assessed, and that management measures are in place prior to implementation of the relevant activities with potential social and environmental risks and impacts. It contains measures for estimating and budgeting the costs of such measures, and information on responsibilities for addressing project risks and impacts (UNDP, 2020, p. 5).

This Environmental and Social Management Framework (ESMF) was developed for the UNDP-supported, GEF-financed project “Integrated Management and Environmentally Sound Disposal of POPs Pesticides in Agricultural Sector and Mercury in Healthcare Sector in Sri Lanka”. The project aims to improve the regulatory framework, strengthen national capacities in agricultural chemicals and mercury management, and support the transformation of healthcare waste management systems in Sri Lanka.

* 1. **Background**

Persistent organic pollutants (POPs) are chemicals of global concern (CoCs) due to their potential for long-range transport, persistence in the environment, ability to bio-magnify and bio-accumulate in ecosystems, as well as their significant negative effects on human health and the environment. In this sense, the Article 5 of the Stockholm Convention on Persistent Organic Pollutants points out that each party shall at a minimum adopt measures to reduce the total releases derived from anthropogenic sources of each of the chemicals included in Annex C to protect the health of the population and environment globally.

On the other hand, Mercury can lead to significant adverse neurological and other health effects in humans, including the unborn child and infants. As one of the global efforts to protect human health and the environment from anthropogenic emissions and releases of mercury as well as mercury compounds, the Minamata Convention on Mercury went into effect on August 16th, 2017, setting out a range of measures to meet the above-mentioned objective, including measures to control the supply and trade of mercury, the control of mercury-added products, etc.

Sri Lanka is Party to both the Stockholm and Minamata Conventions, thus has international legal obligations to control, reduce and eliminate the use of such hazardous substances. Sri Lanka is not a chemical producing country, and all the chemicals required for agriculture, industry and laboratory use are imported to the country from different sources.

The health and environmental impacts of POPs chemicals have not been studied adequately in Sri Lanka. Public concerns about impacts of chemicals are emerging based on evidence that noncommunicable diseases (NCD) are on the rise in the country and is the leading cause of death[[1]](#footnote-1). The National Implementation Plan (NIP) (updated in 2015 and published in 2017) still lacks further details on bottom-up data related to POPs pesticides, which denotes the need to continue carrying studies to improve knowledge about pesticides in general. The problems and challenges related to controlling POPs pesticide, mainly agro pesticides, have been identified and the actions required to overcome them are included in the NIP.

Mercury contamination is a serious threat to Sri Lanka. Seafood which is an important source of protein in the island, can be a major source of methylmercury. The discharge of agricultural runoff, industrial effluents, and leachate from contaminated landfills/waste dump sites greatly contribute to the accumulation of the pollutants (specifically heavy metals, including mercury) in inland surface water. The healthcare sector, educational institutes, and laboratories are also sources of pollution of mercury, mostly due to use of mercury-containing medical devices and the use of mercury in their processes.

Finally, the healthcare sector is recognized as an important source of release of mercury and U-POPs due to unsound disposal practices of waste. Although regulations for internal management of hazardous waste have been put in place by the Government of Sri Lanka, satisfactory implementation has been challenging due to the choice of centralized large scale treatment systems with inadequate infrastructure facilities and lack integrated support services for the disposal of these (inert) wastes.

The project is designed to respond to the requirements of the Stockholm Convention (to reduce the risks of POPs, eliminated POPs stocks and reduce emissions of POPs pollutants) and the Minamata Convention (to eliminate/replace the use of Mercury and mercury-containing equipment and ) for the benefit of human health and the environment. The Project will work in fours (4) areas of intervention to remove the barriers stated above and create long-term solutions in Sri Lanka to:

* + 1. Improve institutional capacities (adequate laboratory capacities and capabilities) that will enable Public Sector stakeholders to implement regulatory systems for the sound management of POPs, mercury and other CoCs, focusing on strict enforcement of import controls and use of regulated chemicals. It will also develop a centralized chemicals database and promote mechanisms to support and fast tracking the replacement of mercury-based medical products, supporting the phase-out of mercury containing products in the healthcare sector, which will include the development of long term and innovative green procurement and green finance mechanisms.
		2. Deploy environmentally sound management strategies and actions for storage/interim storage and disposal of obsolete stocks of POPs pesticides, mercury and their wastes (containing or contaminated by POPs and mercury).
		3. Align the immediate response to COVID-19 pandemic to long-term HCWM management systems and strategies; deploy long-term sound management strategies in the healthcare sector; and promote recycling of certain waste streams and reduce U-POPs emission. This includes piloting comprehensive HCWM de-centralized strategies and test (technical and economic feasibility) the use of low-cost autoclaves for treatment of infectious waste at medium- to small-scale healthcare facilities. The Strategies will also look into ways to incorporate the disinfected waste within the existing solid waste management systems in the country.
		4. Gather and share knowledge, support training, replication and scalability of project results, manage, monitor and evaluate the project.
	1. **Project Description**

Project Implementing Partner: Ministry of Environment

The following describes activities envisioned under each project component consistent with the stipulated Outcomes and Outputs:

**Component 1 - Strengthen the Policy, Regulatory and Institutional Frameworks for the management of POPs, Mercury and other Chemicals of Concern (CoC).**

**Outcome 1.1**. Institutional Coordination Mechanism Strengthened. Regulatory frameworks for enforcement of the chemicals regulations updated.

**Output 1.1.1**. Review baseline regulations on chemicals management. New POPs and U-POPs inventories, including their value chains, are updated into the 2015 NIP.

*Activity 1.1.1.1* Regulatory review/adaptations will be carried out to allow the “rule of law” of the regulatory framework to be reviewed and applied in a holistic manner, linking these to the Central Control System under Output 1.1.2. and the enhancement of legal framework in which the strengthened Coordination Mechanism amongst the relevant institutions under Output 1.1.3. can operate. The regulatory framework on ‘Polluter Pays’ drafted by the Ministry of Environment under the GEF-funded project GEFID 5314, *Environmentally Sound Management and Disposal of PCBs Wastes and PCB Contaminated Equipment in Sri Lanka,* will also be reviewed and pushed forward. Awareness will be raised and training materials and programs will be developed (guided by UNDP SES) for relevant officials. Any updated regulations that may be proposed that would ban or restrict any new POPs and mercury-containing products will each undergo a participatory Strategic environmental and Social Assessment (SESA).

*Activity 1.1.1.2* The 2015 NIP inventories will be updated to feed up the data management system under Output 1.1.2, support the work of the several Officers involved in their monitoring and disposing activities. PCB inventories and databases compiled by the project GEFID 5314 will be updated.

**Output 1.1.2**. Centralize the Chemicals Control System; Laboratory for POPs and other CoCs is improved, and monitoring of imports is enforced at entry points.

*Activity 1.1.2.1* The Project will partner with the CEA to deploy a centralized digitized information management system covering all stages of the lifecycle of chemicals, building on existing initiatives on Chemical Management of the Government of Sri Lanka. This will fill a critical information gap in chemical management in Sri Lanka.

*Activity 1.1.2.2* The centralized digitized information management system will be expanded using and linking the various databases. The digitized and streamlined information management system designed using the e-Sri Lanka (e-governance) platform will provide comprehensive access to relevant data and information to all agencies concerned.

*Activity 1.1.2.3* Include the Environment Management Department of BOI to the centralized database and to track importation of chemicals of BOI registered industries into Sri Lanka including tracking their use and disposal.

*Activity 1.1.2.4* The Project will upgrade the baseline laboratory facilities at the Department of Sri Lanka Customs with advance qualitative and quantitative analyzing equipment such as X ray analyser, gas chromatograph, centrifuge and spectroscopy etc. to enable quick detecting, testing, and verifying imported products, prior to allowing them to be import-release (nationalization) for their use in the country. As result, the Departments of Sri Lanka Customs will become fully equipped and strengthened to carry out checks and verifications at the entry points backed by enhanced capacity and skills.

*Activity 1.1.2.5* Support provided to the Department of Sri Lanka Customs (Activity 1.1.2.4) will include the introduction of portable Fourier Transform Infrared (FTIR) Gas Analysers to strengthen effective and quick detection of chemicals to minimize recently increased penetration of banned POPs pesticides and other CoCs, and the expanding relevant HS codes from six to eight digits.

*Activity 1.1.2.6* Strengthening capacity of RoP and CEA to effectively respond to complaints related to the use of banned chemicals and carry out quick investigation and inspection using new technology (i.e., introducing QR system-based labelling, GPS tracking etc.).

**Output 1.1.3**. Institutional Coordination Mechanisms strengthened and operating in efficient manner

*Activity 1.1.3.1* The Project will build capacities and skills across the agencies that participate in the National Coordination Committee (NCC) for Chemicals and Waste Management. This will be done by improving their TOR and proposing new due processes to strengthen the government’s ability to regulate, strictly enforce import regulations reducing/preventing misuse of banned and restricted POPs chemicals and related products. Enhanced coordination across many institutions and various levels within institutions will be promoted for better, faster, and transparent decisions.

**Outcome 1.2**. National conditions to scale up the replacement of medical devices and dispose of wastes of mercury-contained medical devices enabled.

**Output 1.2.1**. Green procurement standards established, including proposals on bulk procurement and coordinated strategies for replacement of mercury-based medical devices including dental amalgam.

*Activity 1.2.1.1* Proper quality and technical standards will be developed by the ongoing Specific International Programme (SIP) of the Minamata Convention on Mercury to harmonize the mercury-free alternative products, this will support the healthcare sector to close the loops, organize a more systematic and coordinated replacement through technical standards, a proposed bulk procurement methodology, and accelerating the replacement activities initiated under the baseline project of the MoH.

**Output 1.2.2**. Finance framework for the procurement of mercury-free medical devices and HCWM disposal equipment developed.

*Activity 1.2.2.1* A Green Finance Framework (GFF) will be developed for the promotion of mercury phase-out in healthcare sector. The Project will build from positive experiences of different projects (such as projects GEF ID 10349–*Demonstration of production phase-out of mercury-containing medical thermometers and sphygmomanometers and promoting the application of mercury-free alternatives in medical facilities in China*, GEF ID 4611-*Reducing UPOPs and Mercury Releases from the Health Sector in Africa,* and GEF ID 1802 *Demonstrating and Promoting Best Techniques and Practices for Reducing Health-care Waste to Avoid Environmental Releases of Dioxins and Mercury),* as well as international best practices in the area. The GFF will also help to address other challenges in the deployment of non-incineration HCWM equipment following the Cost-Benefit Assessment (CBA) and business models to be developed under Component 3. Public and Private Partnership (PPP) schemes will also be promoted as many government and private healthcare will need upfront investment to transform their current inappropriate HCWM practices.

Central Bank of Sri Lanka (CBSL) launched Sri Lanka Green Finance Taxonomy in March 2022. CBSL has recognised that financial system in Sri Lanka needs to be reformed to create incentives for the private sector to make investments on projects that contribute/target environment protection and low carbon development. The financial institutions in Sri Lanka need to give due consideration to social and environmental costs of development and create incentives for the private sector to invest in environmentally sound initiatives instead of high pollution and/or carbon emissions projects.

Sustainable Banking and Financing Network (SBFN) is a network of private banks committed to support private sector shift towards sustainable development with over 20 membership. Some private banks have already started extending sustainable finance backed by international schemes even before CBSL came out with the Road Map for Sustainable Finance in 2018

The project will build on the above and collaborated with SBFN to design a suitable GFF for the health sector focusing on mercury phase out and HCWM.

**Component 2 - Environmentally sound management disposal of obsolete stocks of Agrichemicals POPs, Mercury and their wastes**

**Outcome 2.1**. Effective Management System for environmentally sound disposal of mercury stocks, mercury-containing wastes, obsolete stocks of POPs-agro pesticides and cross-contaminated chemicals, pesticides and their containers, implemented.

**Output 2.1.1**. Residual mercury stocks, mercury-contained waste generated from the replacement of mercury-containing medical devices and dental amalgam, obsolete stocks of agro pesticides and cross-contaminated chemicals safely disposed of.

*Activity 2.1.1.1* Dispose the stock of the 8.8 metric tons of mercury and mercury containing wastes collected and stored at Asia Recycling (Pvt) Ltd. and create conditions to restart collection and processing of obsolete mercury containing products starting with HCFs. The disposal will occur in a transparent manner to address concerns of other stakeholders such as NGOs and the general public.

*Activity 2.1.1.2* Support environmentally safe disposal of the mercury waste stocks of 41 metric tons at Ceylon Waste Management (Pvt) ltd.

*Activity 2.1.1.3* Undertake environmentally safe disposal of 22.6 MT (9 MT of liquid, 13.6 MT of solid) of POPs pesticides with cross-contaminated chemicals that are currently stored together in not ideal conditions.

Targeted assessments will be conducted for the above disposals. The assessments will tackle the risk of accidental risk on nearby sensitive receptors and occupational health and safety such that mitigation measures will be developed and included in the pursuant site-specific Environmental and Social Management Plans (ESMP) that will include a Pollution Prevention and Management Plan and Occupational Health and Safety Plan.

As included in project activities to be implemented under Component 3, mercury waste management system will be set up to include demonstration of gender sensitive safe handling and storage (including an interim storage facility). The mercury processing facilities at Asia Recycling (Pvt) Ltd. And Ceylon Waste Management (Pvt) Ltd. will be restarted post disposal of obsolete stocks to ensure safe management of future mercury and mercury waste in the long term.

*Activity 2.1.1.4* Create awareness, capacity to mobilise field level agriculture extension offices and officials to actively help to restart and expand the programme to strengthen the system of sound management of pesticides containers and packaging materials

**Output 2.1.2**. Risk Management Strategy developed. Technical Guidance & Training materials prepared for the sound management of wastes containing mercury.

*Activity 2.1.2.1* National guidelines provided by the ongoing Specific International Programme (SIP) on safe management of mercury-containing medical equipment and dental amalgam, stocks of mercury extracted from obsolete products and mercury containing waste, will be reviewed and updated to incorporate the most recent BEP in the area and to make them gender responsive. Based on revised guidelines developed, safe management and disposal/phaseout pilot plans for mercury and mercury-containing products wastes will be developed at six (6) piloted government healthcare facilities.

Activity 2.1.2.2 Management plans for mercury and mercury-containing waste from obsolete medical products will be developed including adopting safe (interim) storage solutions and conducting investigations to establish stocks and potential technology solutions to recover and reclaim mercury for other local users such as indigenous medicines. A SESA will be prepared during the development of the management plan.

*Activity 2.1.2.3* Make arrangement with Asia Recycling (Pvt) Ltd. to restart safe mercury extraction starting from equipment and bulbs coming from healthcare facilities and workout a system of environmentally safe disposal,

*Activity 2.1.2.4* The national HCWM guidelines will be revised to include sound guidance to manage residual mercury stocks and wastes generated from obsolete mercury-containing medical equipment and dental amalgam. Training programs will be designed and carried out to train staff of healthcare facilities in applying the disposal management strategies /plans for residual Hg and Hg-contained products disposal.

**Output 2.1.3**. Guidance Tools and Guidelines for the inventory of mercury/POPs contaminated sites developed and tested at two sites.

*Activity* 2.1.3.1 The de-centralized storage facilities of obsolete POPs pesticides will also be inventoried so the Project can support data for informed strategies on the sound management of these sites including the assessment of buried stocks identified in the NIP. An Environmental Risk Assessment will be conducted to align the local regulation to UNDP’s SES and provide tools for the project team to monitor situations. A risk management strategy for safe decontamination of sites contaminated with POPs pesticides and contaminated chemicals, and the buried pesticides, if required, will be developed. The strategy will include measures to minimize impact on inhabitants, businesses located on land identified as contaminated.

*Activity 2.1.3.2.* Develop and introduce guides and standards for decontamination of sites contaminated with POPs pesticides, POPs chemicals and mercury. The strategy and guides will be tested at two sites, one for site contaminated with POPs pesticides and one contaminated with mercury. A targeted assessment will be undertaken for risks on human health, traffic and workers. An ESMP will then be developed for each site that will include a Health and Safety Plan, Traffic Management Plan, Waste Management Plan and an Occupational Health and Safety Plan.

**Component 3 - Establish Healthcare Waste Management (HCWM) Systems to effectively prevent U-POPs emissions, and develop Business Models for waste disposal at Healthcare Facilities which are aligned to the national COVID-19 recovery efforts**

**Outcome 3.1**. Update HCWM Strategies and Plans that reflect BAT/BEP which can prevent/reduce U-POPs emissions, minimize plastic waste generation and improve recycling practices.

**Output 3.1.1**. Standards and Regulations on HCWM are revised. A HCW Data Management System (HCWDMS) is introduced to address gaps in the monitoring activities.

*Activity 3.1.1.1* Regulations, Standards and practices, at the hospital-level, will be reviewed and updated.

*Activity 3.1.1.2* Data Management System on HCW, using digital solutions to improve implementation and monitoring of waste management process, will be piloted in the six (6) healthcare units.

**Output 3.1.2**. National Plan for Harmonized Treatment and Disposal of HCW in emergencies is developed.

*Activity 3.1.2.1* A holistic HCWM Strategy will focus on all aspects of the HCWM by reviewing and (proposing) updates of current Standards and Regulations and established comprehensive Pans for the final disposal of decontaminated HCW, a challenge faced by all the hospitals.

*Activity 3.1.2.2* Activities will promote direct or indirect partnerships with the relevant Local Authorities (LAs) to provide last-mile solutions for disinfected, inert and non-biodegradable healthcare residual waste, as part of the LA’s effort to integrate the engineered landfills and generate revenues from SWM.

**Output 3.1.3**. Guidelines and Standards on green procurement of PPE and other consumables developed.

Output 3.1.3 will be linked and implemented together with Output 1.2.1.

*Activity 3.1.3.1* Strategies to reduce demand of plastic materials and improve recycling of plastics, aluminum and glass materials will be developed and tested (which will also consider the impacts of the nationwide COVID-19 vaccination program that is expected to generate large amounts of waste – vials, plastics, etc. - that, in principle, could be recycled).

*Activity 3.1.3.2* Strategies will be developed to handle emergencies that have a stress on existing resources of healthcare sector that will in turn have stress on resources available for HCWM to prevent creation of possible risks.

*Activity 3.1.3.3* Given the increase of waste generated by the healthcare sector - about five folds resulting from the COVID-19 pandemic - and due the high use of polythene and plastics as protective gear and in vaccination, the demonstration of safe HCWM by the Project will fill the gap that healthcare facilities and service providers face in terms the investment and operational costs in line with the Finance Mechanism under Component 1. The Green Finance Framework (GFF) to be developed will play a significant role in green recovery in the healthcare sector to align better to face future challenges confidently with safe HCWM to avoid U-POPs emissions.

**Output 3.1.4.** Technical and Economic Assessment (CBA) on the whole spectrum of HCWM technologies for Sri Lankan setting prepared.

*Activity 3.1.4.1* Incorporate both the baseline MetaMizer hybrid autoclave system, introduced for 20 large hospitals about 4 years ago that are under sub-optimal use, or not even used in some cases) and align the experiences gathered by the GEF Project ID No. 4611 *Reducing U-POPs and Mercury Releases from the Health Sector in Africa* (on the use low-cost autoclaves) and develop Cost-Benefit Assessments (CBA), jointly with PPP interventions, to provide potential Business Cases/Plans that could be applied in different profiles of healthcare units in Sri Lanka, looking towards assure financial sustainability of the HCWM Systems. Capacity of these 20 MetaMizer hybrid autoclave systems combined, could have adequate capacity to handle almost all HCW generated in Sri Lanka at present, if they were operating in an effective and efficient manner. However, as there are many reasons why reorganizing the MetaMizer hybrid autoclave systems itself will not deliver the expected solutions, especially in view of the expected increase in healthcare wastes, which will require significant support. Re-organizing the MetaMizer hybrid autoclave systems will ensure their optimal use, and with sufficient capacity to address increasing HCW, and in case of emergencies.

*Activity 3.1.4.2* Together with MoH, review the possibility of reorganizing the placement of the MetaMizer hybrid autoclave systems and to demonstrate (i) the use of some in the Centralized Clinical Waste Treatment Facilities (CCWTF), (ii) supplementing CCWTF to carry out cost effective HCWM.

**Output 3.1.5**. Integrated recycling programs piloted in six (6) facilities

*Activity 3.1.5*.1 in close consultation with project stakeholders, carry out pilot programme at the Six (6) government healthcare facilities selected during PPG Phase among a number of candidate healthcare facilities after a careful and in-depth analysis based on the “Rapid Assessment of Healthcare Waste Management in Sri Lanka” conducted by a national Consultant Team 2020-2021, commissioned jointly by MoH and UNDP Sri Lanka, and as recommended by MoH. The facilities are: Teaching Hospital Kurunegala, Teaching Hospital Kuliyapitiya, and Divisional Hospital Polpitigama in Northwestern Province. Teaching Hospital Batticoloa, Divisioanl Hospital Karadiyanaru and Base Hosptal Kalvanchikudy in Eastern Province. The criteria for selection are: (1) demonstrations of best practices of HCWM at small, medium and large hospitals; (2) interest shown by the hospitals to provide waste to CCWTF;(3) Including some hospitals that have challenges to operate the MetaMizer hybrid autoclave system and dispose final waste; and (4) initiative taken by hospitals to keep track of waste movement (data) within the hospital. Comprehensive business plans and gender sensitive HCWM plans reflecting the experiences of technical assistance and pilot/demonstration activities will be developed.

*Activity 3.1.5.2* Support data collection on recycling potential at the piloted facilities. Partnerships with local private sector (including women led MSMEs) will be assessed to improve the collection and recycling networks of de-contaminated materials. Current Guidelines related to HCWM will be updated to facilitate the proper collection, recycling and re-use of valuable materials (plastics, glass and aluminum).

*Activity 3.1.5.3* As indirect positive effect of this intervention, the Project may yield opportunities to creation of “green jobs” related to HCW recycling, as it will explore alternative income generation opportunities by facilitate the partnership between hospitals, Local Authorities and waste collectors.

**Outcome 3.2**. Non-incineration HCWM Business Models are developed. Baseline treatment systems models and practices improved. Technical/economic application of low-cost autoclaves demonstrated.

**Output 3.2.1**. Public-Private Partnership (PPP) for a Centralized Waste Management System that can incorporate the de-contamination healthcare waste facility is piloted. Technical/financial/economic application of low-cost autoclaves tested and experiences from other GEF HCWM projects are internalized in Sri Lanka.

*Activity 3.2.1.1* Two (2) Centralized Clinical Waste Treatment Facilities (CCWTFs), using non-incineration technology, and linked to an existing landfill, will be established, with support from Ministry of Health and to be operated in a PPP model. The CCWTFs will receive and treat contaminated HCW form healthcare facilities within the respective province including small and micro healthcare facilities that are not able to operate, in a sustainable manner, “in house” HCWM equipment. Lessons learned from the baseline incineration facility of SisiliHanaro Encare (Pvt) Ltd. will be used to improve the non-incineration CCWTF system.

The CCWTFs will be established as demonstration units at Sundarapola in Northwestern province and Koduwamadu in Eastern province integrating with the MSWM facilities and landfills operated by the Kurunegala Municipal Council and Eravur Pattu Pradeshiya Sabha (Local Authority) respectively. Clearance by the LAs and agreement by MoH to supply HCW have been obtained in principle, details which will be worked out and MoUs established during project implementation. The feasibility assessments have shown that the CCWTF can be operated as viable demonstrations based on PPP partnerships. Sisili Hanaro, GS Waste, Cleantech Abans, Hayleys are companies that are interested in PPP with the MoH and the respective LAs.

An ESIA will be conducted for each CCWTF to assess the existing and potential risks on biodiversity from construction and operation of the CCWTFs and propose mitigation measures. For the CCWTF in the North Western Province, which borders a forest reserve, the resulting ESMP will include a Biodiversity Management Plan that ensures conditions of biodiversity in the area are improved. The ESIA will also address health and safety concerns related to the construction and operation and all proposed mitigation measures will be included in the ESMP that will be developed and implemented before commencing works for establishing these facilities. The ESMPs will include a Pollution Prevention and Management Plan and Occupational Health and Safety Plan.

**Output 3.2.2**. A De-centralized non-incineration HCWM Strategy for medium to small scale health care facilities is developed.

*Activity 3.2.2.1* The HCWM Strategy will incorporate both the baseline MetaMizer hybrid autoclave systems and enlarge the scope to introduce low-cost autoclaves with the experiences gathered by the GEF Project ID No. 4611. The demonstration of CCWTF in the two locations will also offer HCWM services to small and micro scale healthcare facilities, jointly with PPP interventions and structured with recycling activities. While experience related to the low-cost autoclaves generated by the GEF Project ID 4611 will provide useful technical inputs, transfer of low-cost autoclave technologies will only be considered only if capacity augmentation is required.

**Output 3.2.3**. Baseline Hybrid Autoclaves operation and maintenance practices, at large scale healthcare facilities, are improved, and their operational Business Models is developed.

*Activity 3.2.3.1* Technical Assistance (TA) will be provided to all 20 healthcare facilities that currently owns the MetaMizer hybrid autoclave system with the purpose to further optimize their operation and help them to develop a viable and self-sustainable Business Model for safe treatment of infected waste. The TA will also help them to identify issues and inefficiencies in the use of these large sized MetaMizer hybrid autoclave systems. Technical training for relevant staff and operators for resolving technical issues such as repairs will also be provided. Experiences will be collected and replicated through Component 4.

**Component 4 – Knowledge Sharing, Management & Evaluation**

**Outcome 4.1**. Project communication and training tools developed. Effective knowledge management delivered.

**Output 4.1.1**. Effective knowledge management tools delivered. Lessons learned and experiences are shared, effectively supporting the scale up and replication of project results.

*Activity 4.1.1.1* Lessons learned and best practices from the Project will inform review and update of national guidelines and standards, create harmonized codes of quality and training programs for public officers, healthcare staff, waste workers and other relevant actors on the use of best available techniques (BAT) in healthcare sector, mercury-waste management, application of mercury-free devices and, thus, support the phase-in of alternatives.

*Activity 4.1.1.2* The Project will collect experiences and lessons learned from relevant GEF projects implemented (e.g., GEF project IDs 10349, 4611 and 1802) as well as international best practices in the area to compound relevant KM Plans and improve the replication of successful experiences.

*Activity 4.1.1.3* Knowledge management tools will be developed and deployed to reach the estimated workforce of 100,000 workers through replication and upscaling under Components 1, 2 and 3 (reaching all 1,100 healthcare facilities in the country.

**Output 4.1.2**. Training programs developed. Capacities of public officers and healthcare facilities staff on U-POPs and mercury (avoidance of) releases during the waste disposal activities are strengthened.

*Activity 4.1.2.1* The Project will provide equitable opportunities for women and men to be trained, based on both in-person and online training models, in improved and safe handling of waste generated at each point including segregation, weighing, or measuring waste fractions and recording. A participatory and mutual learning approach, coupled with expert advice, will be adopted to allow peer to peer exchange and promote innovative bottom-up approaches for HCWM.

Activity 4.1.2.2 Improved integrated and comprehensive healthcare waste management will benefit about 10,000 waste workers engaged in Local Government level waste management processes and over 6,000 sanitary workers that are working in the healthcare system. These tools will support the dissemination of experiences, lessons learned and best practices.

**Output 4.1.3**. Training on Environmental, Monitoring for Customs Officers on the control and monitoring of POPs, Mercury and other CoCs is delivered.

*Activity 4.1.3.1* The Project will work with the Departments of Imports and Exports Control and Customs to bridge the gaps identified and in the NIP 2015 by addressing the lack of knowledge and skills to monitor and verify POPs and POPs containing imports which defy the regulations. Awareness will be raised, and training materials and programs will be developed (guided by UNDP’s SES) and deployed for the relevant officials on hazardous chemical management.

**Output 4.1.4**. Project Communication Strategy and Public Awareness Programs are delivered. Stakeholders Engagement Plan and Gender Action Plan implemented.

*Activity 4.1.4.1* Communication Strategy will be created delivering differentiated approaches for stakeholders benefiting estimated 1,000 employees within the piloted healthcare facilities, but also reaching the general population to support sharing of information about the general replacement of household thermometers, supporting their safe disposal and reducing exposure risk. The Project will build on any relevant communication and knowledge products created by GEF project ID 5314.

*Activity 4.1.4.2* This component will also be responsible to deploy the Gender Action Plan developed at the PPG phase, to raise awareness and empower women’s roles in sound management activities and promote gender sensitive approaches for the project´s KM activities that can incorporate gender equality principles and actions into environmentally sound management of healthcare waste activities.

**Outcome 4.2**. Monitoring and evaluation delivered during the project lifecycle.

**Output 4.2.1**. Monitor Project (Quarterly and annual Reports and Project Board Reports); Apply Evaluation Tools according to the project cycle (PIR, MTR and TE).

**Output 4.2.2**. Implementation Tools (budget revisions, financial control and project management) applied as required and adaptive management actions implemented during the project lifecycle

*Activity 4.2.2.1* The Monitoring and Evaluation Tools will be used as required to guarantee the best performance in project execution and monitoring, as well as to promote the adaptive management.

Project Duration: The duration of the project is 5 years (2023-2028).

* 1. **Purpose and Scope of this ESMF**

UNDP uses its Social and Environmental Screening Procedure (SESP) to identify potential social and environmental risks and opportunities associated with proposed projects. Each project is scrutinized as to its type, location, scale, sensitivity, and the magnitude of its potential social and environmental impacts. All project components are screened, including planning support, policy advice, and capacity-building, as well as site-specific, physical interventions. Activities that will be completed under project co-financing are also included in the scope of the assessment.

Thus this ESMF, as a management tool to assist in managing potential adverse social and environmental impacts associated with activities of this GEF-financed project, is in line with the requirements of UNDP’s SES. The implementing partner of the project and the relevant members of the Project Management Unit will follow this ESMF during project implementation and ensure the environmental and social risks and impacts are fully assessed and management measures are put in place prior to the implementation of the relevant project activities.

This ESMF identifies the steps for detailed screening and assessment of the project’s potential social and environmental risks, and for preparing and approving the required management plans for avoiding, and where avoidance is not possible, reducing, mitigating, and managing these adverse impacts. Its scope covers all project activities described in Section 1.1. As the project does not include any co-financing that is included in the project results, no specific safeguards requirements for co-financing have been included.

**1.3.1 Risk Categorization and Justification**

During project development, the project was reviewed with UNDP’s SESP. The SESP prepared for this project details the specific environmental and social risks that apply. The significance of each risk, based on its probability of occurrence and extent of impact, has been estimated following SES’s Guidance Note and ToolKit.

Twelve potential risks have been identified for this project, three of which are assessed as SUBSTANTIAL and nine as MODERATE. As a result, an as a precautionary measure, the overall risk categorization for this project is determined to be SUBSTANTIAL. **It was concluded that these risks relate to activities with potential adverse social and environmental risks and impacts that are more varied or complex but remain limited in scale and are of lesser magnitude which can be reversible, predictable, have smaller and contained footprint, with less risk of cumulative impacts**.

It is also duly considered in the screening the lack of certainty about the risks below:

1. Application of guidelines during decontamination of demonstration sites leading to exposure to workers, the community and environment and limiting access to land and natural resources to nearby communities (activities to be implemented with co-finance, thus not controlled by the Project):
2. Potential damage to interim storage and disposal facilities for hazardous waste from flooding or other natural disasters that would be linked to any additional pilot demonstrations are to be selected during project implementation (if needed, considering there is one baseline Facility already functioning in the country). If needed, the targeted assessment (ESIA) are planned for these activities to assess this risk and propose mitigation measures if needed as part of the resulting ESMP.
	1. **Potential Social and Environmental Impacts**

The UNDP SESP was used to identify potential social and environmental risks and positive impacts associated with this Project. The project was scrutinized as to its type, location, scale, sensitivity and the magnitude of its potential social and environmental impacts. All project activities were screened, including planning support, policy advice, and capacity-building, and site-specific, physical interventions. The screening highlighted the project intentions as they related to mainstreaming human rights, gender equality and women’s empowerment, accountability and environment sustainability.

**1.4.1 Social and Environmental Benefits**

The project contributes to Sri Lanka’s commitment with Stockholm and Minamata Conventions and has the goal to strengthen the management of POPs/uPOPs and Mercury in Sri Lanka with a special focus on the health sector given the COVID-19 pandemic situation. The interventions will contribute to mercury-free alternatives in handling mercury and mercury waste generated from the implementation of the phaseout of mercury-containing device by the Health Sector, reduced illegal imports of banned chemicals under the Stockholm and Minamata Conventions, disposal of accumulated mercury and mercury waste stocks, POPs pesticides and cross-contaminated chemicals with POPs pesticides, improved coordination among agencies concerned with the two conventions through an integrated information management system, enhanced training and capacity building and improved final disposal facilities for health care waste.

The project will build the capacity of the duty-bearers (officials and other relevant stakeholders) and raise awareness among the health care sector, general public, and waste handlers and communities living nearby dumpsites and to contribute to healthy life and wellbeing and gender equality.

More specifically, the project will generate the following global environmental benefits:

1. Strengthened monitoring and verification capacity at the point of imports to Sri Lanka will prevent the illegal imports of 1,000 metric tons of HHPs and banned pesticides per year.
2. An annual reduction of the use of 800,000 mercury containing bulbs in the healthcare sector.
3. Disposal of 22.6 metric tons of solid and liquid POPS-pesticides/contaminated pesticides and cross-contaminated laboratory chemicals.
4. Disposal of 8.8 + 41 metric tons of mercury and related waste will be safely disposed.
5. Collection and disposal of mercury waste at piloted facilities.
6. Avoided emission of mercury and U-POPs to the environment.
7. Capacity building of 1,000 staff at the piloted HealthCare Facilities and 16,000 people working in the waste management sectors (healthcare and municipal solid systems) and at recycling industries, being that 70% estimated to be women.

**1.4.2 Social and Environmental Risks**

**1.4.2.1 Risks Avoided**

Standard 1: The project does not involved activities related to biodiversity conservation, wildlife management or genetic resources, thus standards 1.3, 1.5, 1.6 and from 1.8 to 1.13 were not triggered.

Standard 2: the demonstration activities promoted by the project won’t be implemented in areas subject to earthquakes, landslides or other areas prone to natural disasters. The project also won’t carry on activities that can exacerbate vulnerability to climate change (2.3).

Standard 4: demonstration activities will be limited to retrofitting of existing facilities, and one waste treatment facility may be constructed or expanded in an already legalized established Landfill controlled by the Government of Sri Lana, thus therefore no influx of workers is expected in the targeted sites nor significant excavations, demolitions, movement of earth, flooding or other environmental changes will occur. Also, landfill is not located in areas with cultural heritage, hence Standard 4 was not triggered.

Standard 5: considering the demonstration activities will take place in legalized locations and within already built baseline Facilities, project won´t led to temporary or permanent and full or partial physical displacement, risk of forced evictions, nor impacts on or changes to land tenure arrangements and/or community based property rights/customary rights to land, territories and/or resources, hence Standard 5 was not triggered.

Standard 6: Demonstration sites were visited and screened. Some activities will take place in areas where people that fit into IP categorization reside (project activities related to collection and disposal of contaminated stocks of Pesticides, fitting Standard 6.1). However, none of the project activities and areas of influence trigger Standards 6.2 to 6.9.

Standard 8: Viet Nam is Party to the [*Montreal Protocol*](http://ozone.unep.org/montreal-protocol-substances-deplete-ozone-layer/32506)*,* [*Minamata Convention*](http://www.mercuryconvention.org/)*,* [*Basel Convention*](http://www.basel.int/)*,* [*Rotterdam Convention*](http://www.pic.int/) *and* [*Stockholm Convention*](http://chm.pops.int/)*,* and the project is designed to comply with the Stockholm Convention (as it is funded by the GEF the project meets the eligibility criterion of the Convention). Thus the project cannot use any alternative technology that is controlled by these Convention, therefore Standards 8.4 and 8.5 were not triggered. In addition:

1. the concept of BAT to be applied by the project also forbids using such technologies controlled by any of the international conventions regarding chemicals use;
2. The project does not target any sector controlled under the Montreal Protocol, thus no risk for the project to use substances controlled by this MEA.
3. The project is also in line with Rotterdam and Basel Conventions, as it is not sponsoring uncontrolled international movement of hazardous substances nor wastes.
4. The industrial sectors targeted by the project do not use mercury in their process nor products that contain mercury, so it also does not encompass any prerogative of Minamata Convention.

The project does not promote alternatives methods of agricultural activity, this will not make use of any agrochemicals.

**1.4.2.2. Risks Identified**

The following are the project risks and their significance as identified in the completed SESP:

* **Risk 1: Duty bearers and other relevant stakeholders may fall short of capacities to meet their obligations in the Project upon the development of the new coordination and better enforced regulatory mechanisms (Moderate).** Sri Lanka holds an important baseline regulatory framework on chemical waste management. There are by-laws, guidelines and voluntary standards in relation to mercury management. It also noted that Government Officers are subject to regular training and are aware of the baseline instruments. – Associated Outputs 1.1.2 and 4.1.3.
* **Risk 2: Healthcare facilities and other stakeholders are not involved in decision-making regarding the development of policy and regulatory frameworks and are negatively affected by any additional bans or restrictions on chemicals (Moderate).** Some healthcare facilities, as well as other small to medium sized enterprises, especially those with limited resources, may not be able to provide alternatives to banned new POPs and mercury-containing products. – Associated with Activity 1.1.1.1.
* **Risk 3: Inadequate participation of women in consultations, policy decision making and design of modalities for capacity building in the uptake of non-mercury technologies and safe management and disposal of obsolete mercury devices and health care waste (Moderate).** An assessment in a sample of health care facilities found a greater number of women in the area of nursing and amongst the cleaning staff. Considering the fact that women and children are most vulnerable to chemicals pollutions, the participation of women in the decision-making process and in the project activities is critical for its success. – Associated with all project activities.
* **Risk 4: Healthcare facilities and other stakeholders may not be aware of the green procurement standards and do not have equal access to financing through the Green Finance Framework (Moderate).** If not aware of these potential financing instruments, small and medium-sized health facilities will not be incentivized to switch to mercury-free thermometers and sphygmomanometers. These groups will thus become marginalized and not benefit equally from the project. - Associated with Output 1.2.2.
* **Risk 5: Accidental release of mercury or POPs and worker and community exposure during handling, transportation, storage and disposal of stockpiles (Moderate).** Transport, storage and disposal operations for any hazardous substance and their wastes may pose potential human and ecosystem health risks, whether to workers or the wider community, to the local environment, or transboundary ecosystems. The biggest contamination risks arise when trans-packing of wastes and materials, poor handling and gathering of wastes, movement of stocks and packages, loading and accommodation on trucks, transportation and unloading at disposal sites. Accidental releases of chemicals into the environment would have a significant impact but are unlikely to occur in high amounts. -Associated with Output 2.1.1, Activity 2.1.1.3 and Activity 2.1.2.3.
* **Risk 6: Adopted strategies and plans may lead to practices that could result in accidental release of POPs or mercury into the environment due to improper handling, storage, transport and treatment/disposal of these chemicals and exposing the workers as well as the local communities living nearby. (Substantial).** This risk is not a direct result of project activities but may result from legal and policy instruments proposed by the project. - Associated with Activity 2.1.2.2, 3.1.2.1 and Output 3.2.2.
* **Risk 7: Damage to interim storage and disposal facilities for hazardous waste from flooding or other natural disasters (Moderate).** Sensitivity and sustainability of the project may be affected by the occurrence of natural disasters due to landslides, erosion, floods or extreme weather conditions or greater vulnerability thereto. – Associated with Output 2.1.1, Activity 2.1.1.3 and Activity 2.1.2.3.
* **Risk 8: Damage to biodiversity and natural ecosystems from construction and operation of the CCWTF (Substantial).** Site visits have found that the planned CCWTF in the North Western Province, which will be located within the site of a solid waste landfill under construction, borders the Sundarapola forest reserve. – Associated with Activity 3.2.1.1.
* **Risk 9: Health and safety risks to workers and communities during establishment and operation of the CCWTF (Substantial).** Both construction and operation of the CCWTF may expose workers and the community to health and safety risks such as injuries, exposure to infectious and hazardous waste, and air emissions. Associated with Activity 3.2.1.1.
* **Risk 10: Improper application of guidelines during decontamination of demonstration sites leading to exposure to workers, the community and environment and limiting access to land and natural resources to nearby communities (Moderate).** The project considers that baseline project / activities / associated projects may have potentially contaminated sites due to the unsound practices related to handling and storage of pesticide and Mercury waste. The two demonstration sites that have been selected (one in Columbo at National Ayurvedic Teaching Hospital for mercury and one in Ampare at the Interprovincial Agriculture Office for POPs) are located within urban areas in close proximity to residential and commercial areas. Exposure of contaminants to the community therefore exists. At the Columbo site, traffic is congested at various times during the day. Both sites are not located near any cultural heritage sites, protected areas or land claimed or inhabited. Associated with Activity 2.1.3.2.
* **Risk 11: Increased consumption of resources and GHG and other emissions and generation of waste from autoclaving and recycling activities (Moderate).** Depending on the technology used by existing recyclers, recycling of plastic, aluminium, glass and other materials that will be piloted by the project may use a large amount of resources such as water and energy and lead to increased GHG and other air emissions. The technology and method use for autoclaving in the demonstration facilities may also lead to toxic emissions and residual waste, exposing workers and the local communities to health hazards. Residual waste requiring adequate disposal will be generated from these activities, taking into consideration that current practices in Sri Lanka fall short of international best practice. Associated with Activity 3.1.3.1, Output 3.1.5, Output 3.2.3 and Output 3.2.4.
* **Risk 12: Working conditions that do not meet national labour laws and international standards/treaties and exposure to health and safety risk within the demonstration sites related to recycling practices (Substantial).** Healthcare workers in the medical sector already have some baseline sensitivity and knowledge on safe handling of mercury and healthcare wastes, therefore lowering the risk associated with the decommissioning aspect of the work. Additionally, the project aims to promote de-contamination and recycling of healthcare wastes and for this will engage with companies and workers cooperatives in the recycling industries to create strategies that can promote recycling practices, increase income and potentially generate “green jobs”. It is important to note that Forced and Child Labour is illegal in Sri Lanka. However, the practice still exists in some sectors, including hazardous activities such as construction. Associated with Output 2.1.1, Activity 2.1.1.3, Activity 2.1.2.3, Activity 2.1.3.2, Activity 3.2.1.1, Activity 3.1.3.1, Output 3.1.5, Output 3.2.3 and Output 3.2.4.

**1.4.2.3. Summary on the Standards Triggered**

* **Human Rights** (P2, P3) and **Accountability** (P5, P6, P13, P14): This is due to potential inability of duty bearers, mainly government officials, to meet their obligations by properly enforcing legislation related to the import of hazardous chemicals or to monitor and verify POPs and POPs containing imports. This is addressed through Project activities that include needs-based training. Some healthcare facilities, as well as other small to medium sized enterprises, especially those with limited resources, may not be able to provide alternatives to banned POPs and mercury-containing products.
* **Gender Equality and Women’s Empowerment**: (P9, P10) The project may reproduce gender discrimination through limiting women’s ability to contribute to decision-making and to benefit from the project.
* **Standard 1 - Biodiversity Conservation and Sustainable Natural Resource Management:** (1.1., 1.2, 1.4, 1.7, 1.14) Damage to biodiversity may occur during construction and operation of the CCWTF as the CCWTF in the North Western Province, which borders a forest reserve. In addition, biodiversity may be affected through the accidental release of mercury and POPs into the environment due to improper handling, storage, transport and disposal of stockpiles and site decontamination during the pilot demonstrations and as a result of adopted strategies and plans.
* **Standard 2 - Climate Change and Disaster Risks:** (2.1, 2.2, 2.4)This standard is triggered due to potential flooding or other damage to interim storage and disposal facilities and the CCWTFs. Mitigation measures for this risk will be included in the pursuant ESMPs that will be prepared for each activity.
* **Standard 3 - Community Health, Safety and Security:** (all)Risks to community health and safety have been identified for two main types of activities. The first is construction and operation of the two CCWTFs, which will be addressed by the ESIAs and pursuant ESMPs that will include a Pollution Prevention and Management Plans and Occupational Health and Safety Plans. The second are the demonstration pilots for handling, storage, transport and disposal of stockpiles of Mercury and POPs and site decontamination. The targeted assessments and ESMPs (including the Pollution Prevention and Management Plan and Waste Management Plan) address this risk.
* **Standard 6 – Indigenous People:** (6.1)
* **Standard 7 - Labour and Working Conditions:** (all) Working conditions within the CCWTFs and project demonstration activities may be in contravention to principles and standards of ILO fundamental conventions, hence triggering this standard.
* **Standard 8 - Pollution Prevention and Resource Efficiency:** (8.1, 8.2, 8.3, 8.6) Pollution may result from various project activities including during construction and operation of the CCWTF and implementation of the demonstration pilots. In addition, implementation of the management plans and strategies that will be developed by the project may also lead to pollution events and accidental releases that need to be addressed.

**Table 1.1: Summary of safeguards triggered by the project and SES requirements**

| **Principle / Standard** | **Risk Rating** | **Assessment and Management** |
| --- | --- | --- |
| **Overarching Principle: Leave No One Behind** |  |
| Human Rights | **Moderate** | **SESA, SEP, Training** |
| Gender Equality and Women’s Empowerment | **Moderate** | **GAP, SESA** |
| **Sustainability and Resilience** |  |
| Accountability | **Moderate** | **SESA, SEP, Training** |
| **Project-level Standards** |  |
| Standard 1: Biodiversity Conservation and Sustainable Natural Resource Management | **Substantial** | **ESIA, ESMP, SESA** |
| Standard 2: Climate Change and Disaster Risks | **Moderate** | **ESMP** |
| Standard 3: Community Health, Safety and Security | **Substantial** | **ESIA, ESMP, SESA** |
| Standard 4: Cultural Heritage | - | **-** |
| Standard 5: Displacement and Resettlement | **-** | **-** |
| Standard 6: Indigenous Peoples | **-** | **-** |
| Standard 7: Labour and Working Conditions | **Substantial** | **ESIA, ESMP, SESA, LMP** |
| Standard 8: Pollution Prevention and Resource Efficiency | **Substantial** | **ESIA, ESMP, SESA** |
| **Number of risks in each risk rating category** |  |
| **High** | 0 |  |
| **Substantial** | 3 |  |
| **Moderate** | 9 |  |
| **Low** | 0 |  |
| **Total number of project risks** | 12 |  |
| **Overall Project Risk Categorization** | **Substantial** |  |
| **Number of safeguard standards triggered** | **8** |  |

**1.4.2.4. Activities that Require Further Screening**

The project will support the disposal of residual mercury-contained waste generated from the replacement of mercury-containing medical devices and dental amalgam (Output 2.1.1), disposal of a stock of about 22.6 metric tons of (POPs pesticides with cross-contaminated chemicals that were stored together) (Activity 2.1.1.3) and safe mercury extraction and disposal from equipment and bulbs coming from healthcare facilities (Activity 2.1.2.3).

The project will initially work with the baseline storage facility implemented by the Government of Sri Lanka with support from a bilateral donor. This baseline facility has been built following national legislations and international standards on safety. However, during project implementation further assessment on future needs for potential expanded storage capacity will be carried out to verify If any new facilities need to be established.

If concluded that additional facility is need, a targeted ESIA will be undertaken to determine the extent of the assessment/management needed and considerations will be made that facilities are not located in areas classified as high risk due to landslides, erosion, floods or extreme weather conditions.

Once the site is selected, the targeted assessment planned for these activities will assess this risk and propose mitigation measures if needed as part of the resulting ESMP, this Activity 2.1.2.3 will only be able to proceed upon the development if these additional targeted Management Plans.

**1.4.2.5. Activities not implemented by Project Funds**

*Sites Decontamination*

The Activity 2.1.3.2 will develop and introduce guides and standards for decontamination of sites contaminated with POPs pesticides, POPs chemicals and mercury. The strategy and guides will be tested at two sites, one for site contaminated with POPs pesticides and one contaminated with mercury. GEF funds cannot be used to conduct sites decontamination.

Thus, any decontamination activity during project implementation will be carried out with co-finance outside project funds. In addition, as scale up and replication effects, decontamination activities would continue in the future, after project completion, based on the Guidelines developed by the project. This, the project carry on and Environmental Risk Assessment to align the local regulation to UNDP´s SES and provide tools for the project team to monitor the risks associated with the actual site decontamination/remediation.

This Assessment will contain, but won’t be limited, to the identification and characterization of the scope (e.g., the extent of contamination, proximity to human populations, depth to groundwater, proximity to surface water or sensitive habitats), analysis of the hazard level and toxicity, analysis of exposure and analysis of risks to determine the level of management and remediation possible. An ESMP will then be developed for each site that will include a Pollution Prevention and Management Plan and an Occupational Health and Safety Plan.

*Construction Activities*

Site visits were conducted during project preparation and have found that the solid waste landfill in the North Western Province, which is under construction, borders the Sundarapola forest reserve. This landfill has been subject to Environmental Impact Assessment (EIA) as required by National Regulations, and it was been approved by the relevant authorities. The project won’t reclaim land nor construct any new waste disposal facility (Landfill).

The project will use the baseline proposed site of this solid waste landfill under construction by the Government (co-finance) at the borders the Sundarapola forest reserve, North Western Province, to adjust the establishment of a Chemicals Waste Treatment Facility (CCWTF) following the most recent BAT/BEP.

During project implementation, the Project Monitoring Unit team will establish a monitoring mechanism to follow up the establishment and initial operation of the solid waste landfill so to oversight the potential environmental and social risks inherent to the co-financed component.

**2.** **Legislation and Institutional Framework for Environmental and Social Matters**

Sri Lanka has adopted over 80 regulations that directly or indirectly relates to protecting and conserving the natural environment and human health. While most of these laws address specific issues pertaining to environment in the respective sector, it was the introduction and enactment of the National Environmental Act (NEA) that provided the overarching legal basis for regulation of pollution and protection of the environment from all sources in a comprehensive manner. The Ministry of Environment was established in December 2001 and has the overall responsibility to manage the environment and natural resources of the country. Under the umbrella of the Ministry of Environment, the Central Environmental Authority operates with the objective of integrating environmental considerations into the development process of the country.

**2.1 National Legislation, Policies and Regulations**

The following legislation is relevant to the implementation of the project and its pilot intervention activities.

* The **Constitution of Sri Lanka** contains several provisions relating to the environment such as Article 18 which states that “It is the duty of every person of Sri Lanka to protect nature and conserve its riches” and Article 27 (14) that declares that ”The state shall protect, preserve and improve the environment for the benefit of the community”). The 13th Amendment to the Constitution created a new institution at the provincial level for environmental protection and management. Each provincial government under this Amendment has legislative and executive powers over environmental matters (Articles 154 (A), 9, 19 and (III) 17).
* The **National Environmental Act (NEA) No. 47 of** 1980 is the basic national decree for protection and management of the environment in Sri Lanka. The NEA has seen several amendments in the past in a bid to continually make improvements and to respond to the challenging needs of the time. There are two main regulatory provisions in the NEA implemented by the Central Environmental Authority (CEA) through which impacts on the environment from the process of development is assessed, mitigated and managed: (1) The Environmental Impact Assessment (EIA) procedure for major development projects. Regulations pertaining to this process have been published in 1993 and (2) The Environmental Protection License (EPL) procedure for the control of pollution. Regulations pertaining to this process have been published in 1990.
* The **Coast Conservation Act (CCA) No.57 of 1981** states that projects located wholly or partly within the coastal zone must undergo an approval process irrespective of its size. Only those projects located totally outside the Coastal Zone will be subject to the approval process laid down in the National Environmental Act. Therefore, any development work taking place within this zone falls under the jurisdiction of Coast Conservation Department.
* The **Fauna and Flora Protection Ordinance (FFPO) Amended Act No. 49 of 1993** includes EIA provisions stating that any development activity of any description proposed to be established within a national reserve or within one mile from the boundary of any national reserve, is required to be subjected to EIA/IEE, and written approval should be obtained from the Director General, Department of Wildlife Conservation prior to implementation of such projects.
* The **Flood Protection Ordinance, Act No. 22 of 1955** provides for the acquisition of land or buildings or part of any land or building for the purpose of flood protection.
* The **State Land Ordinance, Act No. 13 of 1949** provides guidelines for (1) the protection of natural water springs, reservoirs, lakes, ponds, lagoons, creeks, canals, and aqueducts, (2) the protection of the source, course and bed of public streams, (3) The prevention of soil erosion and (4) the preservation of water supply sources.
* The **Soil Conservation Act, No. 25 of 1951** provides for the conservation of soil resources, prevention or mitigation of soil erosion, and for the protection of land against damage by floods and droughts. Under the Act, it is possible to declare any area defined as an ‘erodible area’ and prohibit any physical construction.
* The **Urban Development Authority, Law, No. 41 of 1978** promotes integrated planning and implementation of social, economic and physical development of areas which are declared as urban development areas. The Municipal Councils and Urban Councils share with Pradeshiya Sabha (legislative bodies that preside over the third tier municipalities in the country) powers regarding the approval of building plans, control of solid waste disposal, sewerage and other public utilities Antiquities Ordinance
* **The Antiquities Ordinance of 2000** requires that an Archaeological Impact Assessment (AIA) be conducted for new projects.
* **The Land Acquisition Act (LAA) No.9 of 1950** lays down the general procedure for the acquisition of private lands for a ‘public purpose’ (e.g. development projects). **The Land Acquisition and Payment of Compensation Regulations of 2009** provides for the payment of compensation on the basis of ‘market value’. **The Land Acquisition (Payment of Compensation) Regulations of 2013** provide for development projects to be designated as ‘specified projects’ that qualify to establish Land Acquisition and Resettlement Committees to which the persons affected by land acquisition can make their representations. The regulations provide for a comprehensive compensation package including compensation for non-titleholders.

It is worth noting that although Strategic Environmental Assessment is still not a mandatory requirement in Sri Lanka, the Cabinet of Ministers has approved using this tool for policies, programs and plans. Therefore, all Ministries, departments and authorities who are responsible for implementing a new policy, plan or program should carry out a Strategic Environmental Assessment prior to implementation and submit a copy of the assessment report to the Central Environmental Authority for review and comments.

Regarding Indigenous Peoples, the Vedda community in the country who are primarily the ‘forest dwellers’ and dependent on forest resources for their livelihoods is recognized by various sources as ‘indigenous people’. The Vedda communities as separate indigenous populations are not unequivocally identifiable in Sri Lanka. The Veddas are recognized as citizens of Sri Lanka under the Citizenship Act of 1948. They enjoy all rights and privileges enshrined in the constitution to which any other citizen is entitled to irrespective of ethnicity, religion, location, vocation, caste and creed.

**2.2 International Agreements and Treaties**

Ecuador is a signatory to several multilateral agreements and conventions that are relevant to the project. These include but are not limited to the following:

* Vienna Convention for the Protection of the Ozone Layer, 1985
* Montreal Protocol on Substances that deplete the Ozone Layer, 1989
* United Nations Framework Convention on Climate Change, 1993
* Kyoto Protocol, 2002
* Convention on Biological Diversity, 1994
* Basel Convention on the Control of Trans-boundary movements of Hazardous Wastes and Their Disposal, 1992
* Rotterdam Convention, 2006
* Stockholm Convention on Persistent Organic Pollution, 2005
* C029 - Forced Labour Convention, 1950
* C087 - Freedom of Association and Protection of the Right to Organise Convention, 1995
* C098 - Right to Organise and Collective Bargaining Convention, 1972
* C100 - Equal Remuneration Convention, 1993
* C105 - Abolition of Forced Labour Convention, 1957
* C111 - Discrimination (Employment and Occupation) Convention, 1998
* C138 - Minimum Age Convention, Minimum age specified: 16 years, 2000
* C182 - Worst Forms of Child Labour Convention, 2001

**2.3** **Gaps in Policy Framework**

Further analysis of the legal and policy frameworks that apply to Sri Lanka will be completed during implementation of this ESMF, specifically as part of the SESA, ESIA and ESMP processes. At this stage, the main gap that has been identified is that despite the requirement for public policies, strategies and plans to undergo a SESA, no clear process for this assessment and its approval exists in the legislation.

**3. Procedures for Screening, Assessing and Managing Social and Environmental Impacts**

This ESMF has been developed as part of UNDP’s due diligence process in the project cycle, following the screening of the UNDP-supported project *“****Integrated Management and Environmentally Sound Disposal of POPs Pesticides in Agricultural Sector and Mercury in Healthcare Sector in Sri Lanka****”* with the SESP template.

In accordance with the SES, and due to the **Substantial overall risk category,** social and environmental assessments, including the identification of management mechanisms to mitigate identified risks must be undertaken such that no project activity that is being assessed for potential impacts can commence before the associated assessment has been undertaken and management plans are in place, as described in the sections that follow.

**3.1 Strategic Environmental and Social Assessment for Upstream Activities**

A Strategic Environmental and Social Assessment (SESA) will be undertaken during the following:

* Any new regulations that may be proposed under Activity 1.1.1.1 that would ban or restrict any new POPs and mercury-containing products
* Development of management plans for mercury and mercury-containing waste from obsolete medical products (Activity 2.1.2.2)
* Development of HCWM Strategy (Activity 3.1.2.1) and the de-centralized non-incineration HCWM Strategy for medium to small scale health care facilities (Output 3.2.2).

The SESA will be carried out by independent experts in accordance with UNDP’s SES policy and the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf) to identify and assess social and environmental impacts associated with the proposed regulations in a participatory manner with stakeholders as follows:

* 1. Identify social and environmental priorities to be included in planning and policy processes
	2. Assess gaps in the institutional, policy, and legal frameworks to address these priorities
	3. Identify potential adverse social and environmental impacts associated with policy options
	4. Engage decision makers and stakeholders to ensure a common understanding and broad support for implementation
	5. Formulate policy and institutional measures needed to close policy and legal gaps, address institutional weaknesses, and avoid adverse social and environmental impacts.

The SESA process will ensure that economic impacts on healthcare facilities or other affected stakeholders are taken into consideration in the decision-making process while developing legislation banning or restricting the import or use of chemicals and ensure that affordable and environmentally friendly alternatives are available for banned chemicals. Any institutional and capacity gaps identified during this process will be addressed through the training that will be conducted for the specified activities.

The SESA will consist of an assessment of impacts that integrates environmental and social considerations into policies, plans and strategies and evaluates their interlinkages with economic considerations. It will evaluate the effect of supported regulatory/policy changes on a broad, cross sectoral basis with the aim of making policy decisions and other upstream actions more sustainable.

Information and strategies identified will inform decision making and will be used to guide assessments of downstream activities.

Although the steps and format of a SESA vary depending on the method and topic, key stages for carrying out a SESA would typically include those identified in Figure ‎3‑1. A SESA process would be undertaken for each new legislation, management plan and strategy such that these steps would progress as part of its drafting and feed into each other in an iterative manner. This means that each SESA may engage different stakeholders and address topics or potential conflicts that are specific to topic.



*Figure ‎3‑1: Basic Stages of a SESA*

The SESA process will result in the identification of measures (e.g. policies, institutional strengthening, governance reform) to address and manage anticipated adverse social and environmental risks and impacts, including a summary Action Matrix (Annex ‎9.2 of this ESMF presents a checklist of generic questions for preparing a SESA and an indicative sample of the Action Matrix), if needed. Where applicable, a final or advanced draft of ESMF as framework for managing social and environmental risks during implementation of the proposed strategies/plans will be prepared.

**3.2 ESIAs and ESMPs for the Two CCWTFs (Activity 3.2.1.1)**

A scoped ESIA will be conducted prior to commencement of two CWWTFs (Activity 3.2.1.1.), guaranteeing that no activities that may cause adverse social and environmental impacts are to proceed until assessments are completed and the associated site-specific ESMP is in place. Implementation and monitoring of identified risk management and mitigation measures is required throughout the life-cycle of the project.

The ESIA will address potential health and safety risks to workers and the community and damage to biodiversity and natural ecosystems from construction and operation of the CCWTF.

The preparation of the ESIAs will require the retaining of an external consultant. This cost has already been included in the overall budget of the project.

* Per the SES, the ESIA will assess project activities at the scale deemed appropriate for compliance with the SES.
* The ESIA will identify environmental and social sensitive receptors within the activity’s area of influence.
* It will address all relevant issues related to the SES Overarching Principles and Project-level Standards, as identified in the project’s SESP and any other issues identified in the course of the ESIA.
* As appropriate for compliance with UNDP’s SES (including relevant national/international frameworks), the ESIA will include consultations toward FPIC, and the assessments/studies required under SES Standard 6[[2]](#footnote-2).
* A key output of the ESIA is an ESIA report and ESMP, as described next.

The output of each scoped ESIA will be an ESIA report (indicative outline can be found in Annex ‎9.3) and site-specific ESMPs for each pilot demonstration. The ESMPs will define desired social and environmental management outcomes and specify social and environmental indicators, targets, or acceptance (threshold) criteria to track ESMP implementation and effectiveness. It will also provide estimates of the human and financial resources required for implementation and monitoring and identify organizational structure and processes for implementation. They will likely include an Occupational Health and Safety Plan and Pollution Prevention and Management Plan. For the CCWTF in the North Western Province, which borders the Sundarapola forest reserve, the resulting ESMP will include a Biodiversity Management Plan that ensures conditions of biodiversity in the area are improved. An indicative outline of the ESMP can be found in Annex ‎9.4‎ of this ESMF.

**3.3 Targeted Assessments and ESMPs for Pilot Demonstrations**

Prior to the commencement of any of the selected pilots, a targeted assessment will be conducted for each pilot tackling risks related to accidental release of hazardous material due to mismanagement and natural disasters and occupational health and safety in accordance with UNDP’s SES policy and the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf). This applies to the following activities:

1. Residual Mercury-contained waste generated from the replacement of mercury-containing medical devices and dental amalgam disposed of (Output 2.1.1)
2. Disposal of a stock of about 22.6 metric tons of (POPs pesticides with cross-contaminated chemicals that were stored together) (Activity 2.1.1.3)
3. Safe mercury extraction and disposal from equipment and bulbs coming from healthcare facilities (Activity 2.1.2.3).
4. Decontamination of Mercury and POPS contaminated sites (Activity 2.1.3.2).
5. Testing strategies to improve recycling of plastics , aluminum and glass materials (Activity 3.1.3.1),
6. Integrated recycling programs piloted in six (6) facilities (Output 3.1.5)
7. Business models for de-centralized HCWM systems (low-cost autoclaving) piloted in six (6) medium-to-small scale facilities (Output 3.2.3)
8. Baseline hybrid autoclaves operation and maintenance practices, at large scale healthcare facilities, are improved, and their operational Business Models is developed (Output 3.2.4.)

Each assessment will be developed and carried out by independent experts and will design appropriate avoidance, mitigation, management, and monitoring measures. The output will be an ESMP for each pilot activity. Each ESMP will define desired social and environmental management outcomes and specify social and environmental indicators, targets, or acceptance (threshold) criteria to track ESMP implementation and effectiveness. It will also provide estimates of the human and financial resources required for implementation and monitoring and identify organizational structure and processes for implementation. An indicative outline of the ESMP can be found in Annex 9.4 of this ESMF.

In addition to Targeted ESMP(s), the following Targeted Management Plans will be developed as follows:.

1. Spill Prevention and Management Plan (Activity 2.1.1.3, Activity 2.1.2.3);
2. Biodiversity Management Plan (Activity 3.2.1.1)
3. Pollution Prevention and Management Plan (Activity 3.2.1.1, Activity 2.1.4.2, Activity 3.1.3.1, Output 3.1.5, Output 3.2.3, Output 3.2.4)
4. Occupational Health and Safety Plan (Activity 3.2.1.1, Activity 2.1.4.2, Activity 3.1.3.1, Output 3.1.5, Output 3.2.3, Output 3.2.4)
5. Code of Conduct for Construction and Security Workers (Activity 3.2.1.1)
6. Labour Management Procedures[[3]](#footnote-3) (Activity 3.1.3.1, Output 3.1.5, Output 3.2.3, Output 3.2.4)

**3.4** **Updates to Project SESP**

During implementation, the project SESP will be updated:

1. if the SESA or thematic assessments identify new information/risks relevant to the SESP;
2. when determined necessary by the Project Manager (after consideration of the advice from PMU staff with responsibility for safeguards), the Project Board, or UNDP; and/or
3. if the project is substantively revised or circumstances change in a substantive or relevant way.

**3.5 Other Relevant Assessments and Plans**

If needed, the findings of the SESAs, ESIAs and targeted assessments may be used to update the project’s Gender Action Plan and Stakeholder Engagement Plan (SEP) as determined appropriate by the safeguards consultants. The SEP will ensure all affected people, including potentially affected indigenous peoples, will be engaged throughout the project.

The SESP has identified requirements for the following additional stand-alone targeted management plans:

1. Stakeholder Engagement Plan: has been developed. The plan provides terms of reference and modalities for managing stakeholder engagement in project activities at each site and with each community.
2. Gender Action Plan: has been prepared . Updates will be informed by the ESIAs, and progress against relevant benchmarks.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Component** | **Outcomes -Outputs - Activities** | **RISKS** | **ESMF Applicable?** | **Targeted Assessments and Mgt. Plans** |
| **YES** | **NO** |
| Component 1 - Strengthen the Policy, Regulatory and Institutional Frameworks for the management of POPs, Mercury and other Chemicals of Concern (CoC). | Activity 1.1.1.1 | Risk 2Risk 3 | **X** |  | SESAGAPSEP |
| Outputs 1.1.2  | Risk 1 | **X** |  |
| Output 1.2.2 | Risk 4 | **X** |  |
| Component 2 – Environmentally sound management disposal of obsolete stocks of Agrichemicals POPs, Mercury and their wastes | Output 2.1.1 | Risk 5Risk 7Risk 12 | **X** |  | ESIA ESMPSEPSIPOHSPCoCGRM |
| Activity 2.1.1.3  | Risk 5Risk 7Risk 12 | **X** |  |
| Activity 2.1.2.2 | Risk 6 | **X** |  |
| Activity 2.1.2.3 | Risk 5Risk 7 | **X** |  |
| Activity 2.1.4.2. | Risk 10Risk 12 | **X** |  |
| Component 3 - Establish Healthcare Waste Management (HCWM) Systems to effectively prevent U-POPs emissions, and develop Business Models for waste disposal at Healthcare Facilities which are aligned to the national COVID-19 recovery efforts | Activity 3.1.3.1 | Risk 11 | **X** |  | ESIA ESMPGAPBDMSIPOHSPCoCLMPPPMGRM |
| Activity 3.1.2.1  | Risk 6 | **X** |  |
| Output 3.1.5 | Risk 11Risk 12 | **X** |  |
| Activity 3.2.1.1. | Risk 8Risk 9Risk 12 | **X** |  |
| Output 3.2.2 | Risk 6 | **X** |  |
| Output 3.2.3  | Risk 11Risk 12 | **X** |  |
| Output 3.2.4 | Risk 11Risk 12 | **X** |  |
| Component 4 – KM & Evaluation | Output 4.1.3. | Risk 1 | **X** |  | SESA |
| SESA - Strategic Environmental and Social Assessment |
| GAP - Gender Action Plan |
| SEP - Stakeholders Engagement Plan |
| ESIA - Environmental and Social Impact Assessment |
| ESMP - Environmental and Social Management Plan |
| SIP - Spill Prenvention and Management Plam |
| BMP - Biodversity Management Plan |
| OHSP - Occupational Health and Safety Plan |
| CoC - Code of Conduct for Construction and Security Workers |
| GRM - Grievance Redress Mechanism |
| LMP - Labour Management Plan |
| PPM - Pollution Prevention and Management Plan |

**4.** **Institutional Arrangements and Capacity Building**

**4.1 Roles and Responsibilities for Implementing this ESMF**

The roles and responsibilities of project staff and associated agencies in implementation of this ESMF are elaborated upon below.

*Note*: This ESMF does not cover the specific roles and responsibilities associated with implementation of the subsequent ESMPs; those will be defined in the ESMPs, as required per this ESMF.

**Implementing Partner** **(Ministry of Environment):**

* Ensure that the required SESA, ESIAs and ESMPs are developed, disclosed for public consultation and approved, and management measures are adopted and integrated during project implementation;
* Report, fairly and accurately, on project progress against agreed work plans in accordance with the reporting schedule and required formats;
* Maintain documentation and evidence that describes the proper and prudent use of project resources in conformity to the signed Project Document and in accordance with applicable regulations and procedures (e.g. SES);
* Ensure all requirements of UNDP’s SES and national regulatory/policy frameworks and relevant international standards have been addressed;
* Hold responsibility and accountability to UNDP for overall management of the project, including compliance with UNDP SES.

**Project Board** (comprised of UNDP, Ministry of Environment, Ministry of Health, Ministry of Agriculture):

* Monitor implementation of this ESMF and compliance with national and international regulations, and UNDP SES;
* Decision making for the adoption of necessary measures including full integration of management measures within project Outputs and annual work plans;
* Establish and support Grievance Redress Mechanisms (GRM) to address any grievances;
* Provide strategic guidance to implementation of the Project including oversight for safeguards and the implementation of this ESMF.

**UNDP:**

* Provide oversight on all matters related to safeguards, including review of SESAs, ESIAs, assessments and management plans prior to finalization;
* Inform all the stakeholders and right-holders involved in, or potentially impacted, positively or negatively, by the GEF-financed project, about the UNDP’s corporate Accountability Mechanism (described below);
* Ensure that the Compliance Review and the Stakeholder Response Mechanisms are operational during the lifetime of the project;
* Ensure adhere to the SES for project activities implemented using funds channelled through UNDP’s accounts, and undertake appropriate measures to address any shortcomings;
* Verify and document that all UNDP SES requirements have been addressed;
* Provide technical guidance on implementation of this ESMF and administrative assistance in recruiting and contracting expert safeguards services (as required), and monitor adherence of each project to the ESMF and UNDP policies and procedures.

**Project Management Unit:**

* Supervise and manage implementation of measures defined in this ESMF;
* Assign specific responsibilities for implementation of this ESMF, including monitoring, and community consultations on the draft ESIAs and ESMPs to a staff member(s) of the PMU (this includes lead responsibility by the Project Safeguards/Gender Officer to implement the ESMF and ensure that all management plans are in place prior to commencement of relevant activities);
* Maintain relevant records associated with management of environmental and social risks, including updated SESPs, assessments, evidence of consultations and FPIC, a log of grievances together with documentation of management measures implemented;
* Report to the Implementing Partner, the Project Board, and UNDP CO on the implementation of the ESMF;
* Ensure that all service providers are informed of their responsibilities for the day-to-day compliance with the ESMF.

In addition, the site-specific ESMPs will describe the roles and responsibilities in the implementation of those plans. Those new roles and responsibilities will be assessed and integrated, as appropriate, as part of the participatory decision making and implementation proceedings of the project.

**4.2 Capacity Building**

Specialists with expertise in social and environmental safeguards will be engaged to support the completion of the SESAs, ESIAs and ESMPs. These experts will support UNDP staff on safeguards responsibilities and approaches.

During project implementation, UNDP will provide advice to project team as needed to support the implementation of this ESMF and the SESAs, ESIAs and ESMPs and pursuant measures.

Training will be conducted on the ESMF for the entire PMU staff during project inception. This could be done by the Safeguards Officer in the PMU. In addition, training will be conducted for all contractors and third-parties who will be engaged to support project implementation relevant to this ESMF.

**5.** **Stakeholder Engagement and Information Disclosure**

Discussions with project stakeholders, commenced during the project development phase. A list of the stakeholders engaged in these consultations has been annexed to the Project Document. The project also has prepared a SEP Plan and Gender Action Plan, which are annexed to the Project Document, Annexes 7 and 9, respectively. These Plans will be followed to ensure that stakeholders have been engaged in project preparation and implementation, and particularly, in the further assessment of social and environmental impacts and the development of appropriate management measures. The project’s SEP will be updated during project implementation based on the assessments and management plans conducted in line with this ESMF, as needed.

Potentially affected stakeholders will be engaged during the implementation of this ESMF.

As part of the stakeholder engagement process, UNDP’s SES require that project stakeholders have access to relevant information. Specifically, the SES (SES, Social and Environmental Management System Requirements, para. 20) stipulates that, among other disclosures specified by UNDP’s policies and procedures, UNDP will ensure that the following information be made available:

* SEP and summary report of stakeholder consultations;
* Social and environmental screening report with project documentation;
* Draft ESIA documents including ESMPs;
* Final ESIA including ESMPs;
* Any required social and environmental monitoring reports.

This ESMF (and project SESP) will be translated and disclosed via the UNDP Ecuador website in accordance with UNDP SES policy. The subsequent ESMPs will also be publicly disclosed via the UNDP Ecuador website once drafted, and finalized and adopted only after the required period for disclosure has elapsed.

These requirements for stakeholder engagement and disclosure will be adhered to during the implementation of this ESMF, and the subsequent implementation of the resulting ESMPs.

**6.** **Accountability and Grievance Redress Mechanisms**

Interested stakeholders may raise a grievance at any time to the Project Management Unit, the Executing Agency (UNDP), Implementing Agency (Ministry of Environment), or the GEF.

**6.1 UNDP’s Accountability Mechanisms**

UNDP’s SES recognize that even with strong planning and stakeholder engagement, unanticipated issues can still arise. Therefore, the SES are underpinned by an Accountability Mechanism with two key components:

1. A Social and Environmental Compliance Review Unit (SECU) to respond to claims that UNDP is not in compliance with applicable environmental and social policies; and
2. A Stakeholder Response Mechanism (SRM) that ensures individuals, peoples, and communities affected by projects have access to appropriate grievance resolution procedures for hearing and addressing project-related complaints and disputes.

UNDP’s Accountability Mechanism is available to all of UNDP’s project stakeholders.

The Social and Environmental Compliance Unit (SECU) investigates concerns about non-compliance with UNDP’s Social and Environmental Standards and Screening Procedure raised by project-affected stakeholders and recommends measures to address findings of non-compliance.

The Stakeholder Response Mechanism helps project-affected stakeholders, UNDP’s partners (governments, states, CSOs, NGOs, businesses) and others jointly address grievances or disputes related to the social and/or environmental impacts of UNDP-supported projects.

Further information, including how to submit a request to SECU or SRM, is found on the UNDP website at: <http://www.undp.org/content/undp/en/home/operations/accountability/secu-srm/>

**6.2 Project-level Grievance Redress Mechanism**

The project will establish a project-level GRM at the start of implementation, as described in Section IV (refer to the Risks and Stakeholder Engagement sub-sections). The full details of these GRMs will be agreed upon during the Inception Phase, a process that will be overseen by the Project Manager with the Project Safeguards Specialist and based on the details provided below.

Interested stakeholders may raise a grievance at any time to the Project Management Unit (PMU), the Implementing Partner (UNDP), or the GEF.

**The mandate** of the GRM will be to:

(i) receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively “*Grievance*”) alleging actual or potential harm to affected person(s) (the “*Claimant(s)*”) arising from Project.

(ii) assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies, and commissions, CSOs and NGOs, and others (collectively, the “*Stakeholders*”) in the context of the Project.

(iii) Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

**The functions** of the GRM will be to:

(i) Receive, Log and Track all Grievances received.

(ii) Provide regular status updates on Grievances to Claimants, Project Board (PB) members and other relevant Stakeholders, as applicable.

(iii) Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution.

(iv) Process and propose solutions and ways forward related to specific Grievances *within a period not to exceed sixty (60) days* from receipt of the Grievance.

(v) Identify growing trends in Grievances and recommend possible measures to avoid the same.

(vi) Receive and service requests for, and suggest the use of, mediation or facilitation.

(vii) Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings, and outcomes).

(viii) Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process.

(ix) Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed.

(x) Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM.

(xi) Monitor follow up to Grievance resolutions, as appropriate.

During project implementation, the project will support the national GRM and capacities so that grievance procedures continue beyond the life of the project. Following is a brief summary of key steps that national and international partners can take to assess and strengthen GRMs:

* Review and analyze the historical and current context for potential project- related grievances, and characterize current grievance patterns and trends
* Assessing strengths and gaps including:
	+ Transparency, accessibility and predictability
	+ Legitimacy, equity, and rights compatibility
	+ Stakeholder engagement and dialogue
	+ Continuous learning
* Jointly develop a plan for building on strengths and closing gaps

A Sample Terms of Reference for Project-Level GRM are included in Section 9.6.

Further information on GRM can be found in the [UNDP Guidance Note on Social and Environmental Standards - Stakeholder Engagement – Supplemental Guidance: Grievance Redress Mechanisms](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Supplemental%20Guidance_Grievance%20Redress%20Mechanisms.pdf).

**7.** **Budget for ESMF Implementation**

Funding for implementation of the ESMF is included in the individual project budget. The estimated costs are indicated in **Table ‎7‑1** below. Costs associated with the time of PMU Staff coordinating the implementation of this ESMF are not shown. Further detail is found in the budgets of the respective Project Document.

***Table ‎7‑1: Breakdown of Costs for ESMF Implementation***

| **Item** | **Budget Cost (USD)** |
| --- | --- |
| Social and Environmental Safeguards Specialist to support safeguards activities | **20,800***(Included in the budget of Social and Environmental Safeguards Specialist)* |
| Contracted Company for SESAs | 20,000(*Included in budgets of various subcontracts*) |
| Contracted Company for two ESIAs, targeted assessments and ESMPs | 80,000(*Included in budgets of various subcontracts)* |
| Travel expenses for consultations | 2,500(*Included under Travel budget of Components 1, 2 and 3*) |
| SESP Capacity building/training expenses | 7,500*(Included in budget of the Social and Environmental Safeguards Specialist and Communication and Training Expert)* |
| Audio-visual & print production expenses | 1,000*(Included under BL74200 under PM)* |
| **Total** | **131,800** |

**8.** **Monitoring and Evaluation Arrangements**

Reporting on progress and issues in the implementation of this ESMF will be documented in the project’s quarterly reports and annual Project Implementation Reports (PIRs).

Implementation of the ESMF will be the responsibility for the Project Team and other partners as agreed upon and described in each ESMP. The ESMF monitoring and evaluation plan is outlined below in **Table ‎8‑1**.

***Table ‎8‑1: ESMF M&E plan and estimated budget***

| **Monitoring Activity** | **Description** | **Frequency / Timeframe** | **Expected Action** | **Roles and Responsibilities** | **Cost**  |
| --- | --- | --- | --- | --- | --- |
| Track progress of ESMF implementation  | Implementation of this ESMF and with results reported to Project Board | Annually | Required ESMF steps are completed in a timely manner. | Project Manager, with support from Project Officer | None |
| Development of SESAs, ESIAs, targeted assessments and ESMPs in line with project activities | Carried out after inception phase for validation of identified risks and mitigation measures, drafted in participatory manner | Quarters 1 and 2 of project implementation | Risks and potential impacts are validated with support of external consultants and participation of project team and stakeholders; management actions identified and incorporated into project implementation strategies | External service providers (environmental and social)Project Officer with guidance from UNDP and Project Manager | 100,000 |
| Implementation of mitigation measures and monitoring of potential impacts as per the subsequent ESMPs | Permanent and participatory implementation and monitoring of impacts and mitigation measures, in accordance with ESMPs | Continuous, once each ESMP is in place | Implementation of ESMPs and other measuresMonitoring of environmental and social risks, and corresponding management plans as relevant | Project Manager, UNDP CO, Project Officer, Site Coordinators | None |
| Learning | Knowledge, good practices and lessons learned regarding social and environmental risk management will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project. | At least annually | Relevant lessons are captured by the Project Team and used to inform management decisions. | Project Manager, KM/Communications Officer | None |
| Annual project quality assurance | The quality of the project will be assessed against UNDP’s quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project | Annually | Areas of strength and weakness will be reviewed and used to inform decisions to improve project performance | M&E Officer with support from Project Officer | None |
| Review and make course corrections | Internal review of data and evidence from all monitoring actions to inform decision making | At least annually | Performance data, risks, lessons and quality will be discussed by the Project Board and used to make course corrections | Project Board (considering stakeholders’ opinions) | None |
| Project report | As part of progress report to be presented to the Project Board and key stakeholders, analysis, updating and recommendations for risk management will be included | Annually, and at the end of the project (final report) | Updates on progress of ESMF/ESMPs will be reported in the project’s annual GEF PIRs.  | Project Manager | None  |
| Project review | Project Board will hold regular project reviews during which an updated analysis of risks and recommended risk mitigation measures will be discussed | At least annually | Any risks and/ or impacts that are not adequately addressed by national mechanisms or Project Team will be discussed by Project Board. Recommendations will be made, discussed and agreed upon. | Project BoardProject Manager | None |

**9.** **Annexes**

**9.1 SESP (**Please see Annex 5 in ProDoc**)**

**9.2 Indicative outline of Action Matrix for SESA**

**UNDP Social and Environmental Standards:**

**Action Matrix for SESA – Indicative Outline**

Please refer to the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf) for additional information.

|  |
| --- |
| **Table 9.1. Indicative sample of an action matrix for summarizing SESA recommendations, including measures to address anticipated social and environmental risks and impacts** |
| **Strategic Priority 1*****Example: Enhance community participation and benefits in sector X*** |
| **Priority reform area** | **Short term actions (1- 2 years)** | **Short term monitorable outcomes** | **Medium-term actions (3-5 years)** | **Medium-term monitorable outcomes** | **Long-term actions****(> 5 years)** | **Final outcomes** |
| *Women’s participation and employment in sector X* | *Establish mechanisms to enhance women’s participation in local government and in negotiations involving companies in sector X* | *Increase participation in negotiations Increase in female employment**Female participation in training programmes* | *Awareness programs for women’s rights* *Refine and strengthen mechanisms for women’s participation* | *Significant increase in female employment and training programmes* | *Reformed procedures for promoting women’s participation in local and regional development* | *Gender differences significantly reduced in sector X and local and regional development processes* |
| *Community disputes with companies in sector X* | *Establish a dispute resolution mechanism on social and environmental issues that is accessible to community* | *Disputes between companies in sector X and local communities resolved more speedily with less conflict* | *Strengthen ability of Community representatives in use of mediation to resolve disputes**Strengthen ability of local governments and community representatives to investigate and motivate legal procedures against companies in sector X with poor social and environmental performance* | *Increase percentage of satisfactory settlements* *Time taken to settle disputes declines* | *Extend and adapt dispute resolution system to other industries associated with sector X* | *Disputes reduced and managed effectively* |

**9.3 Indicative outline of Environmental and Social Impact Assessment (ESIA)**

Please refer to the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf) for additional information.

An ESIA report should include the following major elements (not necessarily in the following order):

**(1) Executive summary:** Concisely discusses significant findings and recommended actions.

**(2) Legal and institutional framework:** Summarizes the analysis of the legal and institutional framework for the project, within which the social and environmental assessment is carried out, including (a) the country's applicable policy framework, national laws and regulations, and institutional capabilities (including implementation) relating to social and environmental issues; obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under UNDP’s SES; and (c) and other relevant social and environmental standards and/or requirements, including those of any other donors and development partners. Compares the existing social and environmental framework and applicable requirements of UNDP’s SES (and those of other donors/development partners) and identifies any potential gaps that will need to be addressed.

**(3) Project description:** Concisely describes the proposed project and its geographic, social, environmental, and temporal context, including any offsite activities that may be required (e.g., dedicated pipelines, access roads, power supply, water supply, housing, and raw material and product storage facilities), as well as the project’s primary supply chain. Includes a map of sufficient detail, showing the project site and the area that may be affected by the project’s direct, indirect, and cumulative impacts. (i.e. area of influence).

**(4) Baseline data:** Summarizes the baseline data that is relevant to decisions about project location, design, operation, or mitigation measures; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions;assesses the scope of the area to be studied and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences; and takes into account current and proposed development activities within the project area but not directly connected to the project.

**(5) Social and environmental risks and impacts:** Predicts and takes into account all relevant social and environmental risks and impacts of the project, including those related to UNDP’s SES (Overarching Policy and Principles and Project-level Standards). These will include, but are not limited to, the following:

*(a) Environmental risks and impacts*, including: any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats, biodiversity, and ecosystems; those related to climate change and other transboundary or global impacts; those related to community health and safety; those related to pollution and discharges of waste; those related to the use of living natural resources, such as fisheries and forests; and those related to other applicable standards.[[4]](#footnote-4)

*(b) Social risks and impacts*, including: any project-related threats to human rights of affected communities and individuals; threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; risks of gender discrimination; risks that adverse project impacts fall disproportionately on disadvantaged or marginalized groups; any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or marginalized groups; negative economic and social impacts relating to physical displacement (i.e. relocation or loss of shelter) or economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land or resource acquisition or restrictions on land use or access to resources; impacts on the health, safety and well-being of workers and project-affected communities; and risks to cultural heritage.

**(6) Analysis of alternatives:** systematically compares feasible alternatives to the proposed project site, technology, design, and operation – including the "without project" situation – in terms of their potential social and environmental impacts; assesses the alternatives’ feasibility of mitigating the adverse social and environmental impacts; the capital and recurrent costs of alternative mitigation measures, and their suitability under local conditions; the institutional, training, and monitoring requirements for the alternative mitigation measures; for each of the alternatives, quantifies the social and environmental impacts to the extent possible, and attaches economic values where feasible. Sets out the basis for selecting the particular project design.

**(7) Mitigation Measures:** Inclusion or summary of (with attachment of full) Environmental and Social Management Plan (ESMP) (see indicative outline of ESMP below.) The ESMP identifies mitigation measures required to address identified social and environmental risks and impacts, as well as measures related to monitoring, capacity development, stakeholder engagement, and implementation action plan.

**(8) Stakeholders.** Summarizes and links to project Stakeholder Engagement Plan or ESMP that includes plan for consultations. Includes summary of consultations undertaken for development of ESIA (see appendices).

**(9) Conclusions and Recommendations:** Succinctly describes conclusion drawn from the assessment and provides recommendations. Includes recommendation regarding the project’s anticipated benefits in relation to its social and environmental risks and impacts.

**(9) Appendices:** (i) List of the individuals or organisations that prepared or contributed to the social and environmental assessment; (ii) References – setting out the written materials both published and unpublished, that have been used; (iii) Record of meetings, consultations and surveys with stakeholders, including those with affected people and local NGOs. The record specifies the means of such stakeholder engagement that were used to obtain the views of affected groups and local NGOs, summarizes key concerns and how these concerns addressed in project design and mitigation measures; (iv) Tables presenting the relevant data referred to or summarized in the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans. the main text; (v) Attachment of any other mitigation plans; (vi) List of associated reports or plans.

**9.4 Indicative outline of Environmental and Social Management Plan (ESMP)**

Please refer to the [UNDP SES Guidance Note on Assessment and Management](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Uploaded%20October%202016/UNDP%20SES%20Assessment%20and%20Management%20GN%20-%20FInal%20Nov2020.pdf) for additional information.

An ESMP may be prepared as part of the Environmental and Social Impact Assessment or as a stand-alone document.[[5]](#footnote-5) The content of the ESMP should address the following sections:

**(1) Mitigation:** Identifies measures and actions in accordance with the mitigation hierarchy that avoid, or if avoidance not possible, reduce potentially significant adverse social and environmental impacts to acceptable levels. Specifically, the ESMP: (a) identifies and summarizes all anticipated significant adverse social and environmental impacts; (b)describes – with technical details – each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c)estimates any potential social and environmental impacts of these measures and any residual impacts following mitigation; and (d) takes into account, and is consistent with, other required mitigation plans (e.g. for displacement, indigenous peoples).

**(2) Monitoring:** Identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the environmental and social assessment and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

**(3) Capacity development and training:** To support timely and effective implementation of social and environmental project components and mitigation measures, the ESMP draws on the environmental and social assessment of the existence, role, and capability of responsible parties on site or at the agency and ministry level. Specifically, the ESMP provides a description of institutional arrangements, identifying which party is responsible for carrying out the mitigation and monitoring measures (e.g. for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). Where support for strengthening social and environmental management capability is identified, ESMP recommends the establishment or expansion of the parties responsible, the training of staff and any additional measures that may be necessary to support implementation of mitigation measures and any other recommendations of the environmental and social assessment.

**(4) Stakeholder Engagement:** Summarizes and links to project Stakeholder Engagement Plan or outlines plan to engage in meaningful, effective and informed consultations with affected stakeholders. Includes information on (a) means used to inform and involve affected people in the assessment process; and (b) summary of stakeholder engagement plan for meaningful, effective consultations during project implementation, including identification of milestones for consultations, information disclosure, and periodic reporting on progress on project implementation. Require documentation of consultations (summaries including presentations, key points raised and responses provided, participation lists). Include information on project grievance mechanism (below) and on UNDP Accountability Mechanisms (SRM, SECU).

**(5) Grievance redress mechanism:** Describes effective processes for receiving and addressing stakeholder concerns and grievances regarding the project’s social and environmental performance.

Describe mechanisms to provide stakeholders and potential affected communities avenues to provide feedback or grievances, and receive responses, with regard to the implementation of specific activities, policies, or regulations.

**(6) Implementation action plan (schedule and cost estimates):** For all four above aspects (mitigation, monitoring, capacity development, and stakeholder engagement), ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables. Each of the measures and actions to be implemented will be clearly specified and the costs of so doing will be integrated into the project's overall planning, design, budget, and implementation.

**9.5 Labour Management Procedures Template**

The Labour Management Procedures (LMP) facilitates planning and assists responsible parties to ensure that project implementation adheres to the requirements of SES Standard 7 on Labour and Working Conditions. The LMP (a) sets out the written labour procedures for the project, (b) identifies the main labour requirements and risks associated with the project, and (c) helps the project developer to determine the resources necessary to address project labour issues and risks and sets out an action plan.

The LMP summarizes key labour-related risks and issues and may be supplemented by more targeted analyses and plans (e.g. such as an occupational safety and health action plan, WBG EHS sector specific guidelines, ISO standards, contractor management matrices, etc.). The LMP (as with supporting analyses) should be undertaken by experts with relevant expertise.

The LMP may be prepared as a stand-alone document, or form part of other environmental and social management documents. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

In preparing and updating the LMP, project developers should refer to the requirements of national law and S7 and its Guidance Note. The content of the LMP is indicative: some issues may not be relevant to the project while some projects may have other issues that need to be captured from a planning perspective. Where national law addresses requirements of S7 this should be noted in the LMP.

Where project workers under a single project may be engaged under significantly different circumstances (e.g. different regions of a country, different employment arrangements), it may be necessary to ensure that these differences are appropriately addressed in the LMP, or separate LMPs may need to be developed.

For projects utilizing an ESMF given that specific activities and/or subprojects have yet to be defined, the development of the LMP may need to be deferred. The ESMF should address as many potential issues outlined in the LMP as is feasible during project development, and the ESMF should include procedures for undertaking a specific LMP once locations and activities are defined.

A concise and up to date LMP will enable different project-related parties, for example, staff of the project implementing unit, contractors and sub-contractors and project workers, to have a clear understanding of what is required on a specific labour issue. The level of detail contained in the LMP will depend on the type of project and information available. Where relevant information is not available, this should be noted and the LMP should be updated as soon as possible.

Below is an indicative outline of the LMP.

1. **Overview of Labour Use in the Project:** This section describes the following, based on available information:
	1. *Number of Project Workers*: The total number of workers to be employed on the project, and the different types of workers: direct workers, contracted workers, temporary or seasonal workers and community workers. Where numbers are not yet firm, an estimate should be provided.
	2. *Characteristics of Project Workers*: To the extent possible, a broad description and an indication of the likely characteristics of the project workers e.g. local workers, national or international migrants, female workers, workers between the minimum age and 18.
	3. *Timing of Labour Requirements*: The timing and sequencing of the project’s labour requirements in terms of numbers, locations, types of jobs and skills required.
	4. *Contracted Workers*: The anticipated or known contracting structure for the project, with numbers and types of contractors/subcontractors and the likely number of project workers to be employed or engaged by each contractor/subcontractor. If it is likely that project workers will be engaged through brokers, intermediaries or agents, this should be noted together with an estimate of the number of workers that are expected to be recruited in this way.
	5. *Migrant Workers*: If it is likely that migrant workers (either domestic or international) are expected to work on the project, this should be noted and details provided.
2. **Assessment of Key Potential Labour Risks*:*** This section describes the following, based on available information:
	1. *Project activities*: The type and location of the project, and the different activities the project workers will carry out, including primary supplier(s)
	2. *Key Labour Risks:* The key labour risks that may be associated with the project (see, for example, those identified in S7 and the GN). These could include, for example:
		* the conduct of hazardous work, such as working at heights or in confined spaces, use of heavy machinery, or use of hazardous materials
		* likely incidents of child labour or forced labour, with reference to the sector or locality
		* discriminatory policies or practices that deny equal opportunity
		* restrictions on freedom of association and collective bargaining
		* likely presence of migrants or seasonal workers
		* risks of labour influx or gender based violence
		* possible accidents or emergencies, with reference to the sector or locality
		* general understanding and implementation of occupational health and safety requirements
3. **Brief overview of labour legislation, agreements and potential gaps with Standard 7:**
* **Core Labour Standards:** This section sets out the key aspects of national legislation implementing the ILO fundamental rights at work, i.e. prohibition of child labour/minimum working age; prohibition of forced labour, non-discrimination/equal opportunity; and freedom of association and collective bargaining. The overview should highlight any material gaps between national law and S7.9-19.
* **Terms and Conditions:** This section sets out the *key aspects* of national labour legislation with regards to term and conditions of work, and how national legislation applies to different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in S7, paras.5-8 (i.e. wages, deductions and benefits) and any material gaps with S7. The section should also identify the terms of any existing collective agreements that stipulate workplace terms and conditions.
* **Occupational Safety and Health (OSH):** This section sets out the *key aspects* of the national labour legislation with regards to occupational health and safety, and how national legislation applies to the different categories of workers identified in Section 1. The overview focuses on legislation that relates to the items set out in S7, paras. 20-25 and any material gaps with S7.
1. **Responsible Staff:** This section identifies the functions and/or individuals within the project responsible for (as relevant):
* engagement and management of project workers
* engagement and management of contractors/subcontractors
* occupational safety and health (OSH)
* training of workers
* addressing worker grievances

In some cases, this section will identify functions and/or individuals from contractors or subcontractors, particularly in projects where project workers are employed by third parties.

1. **Policies and Procedures:** This section sets out :
* **Management systems:** Relevant management systems ***in place*** to implement S7, e.g. human resources policy, anti-harassment policy, staff handbook, grievance procedure, OSH management system, etc. These can be referenced or annexed to the LMP, together with any other supporting documentation. Where relevant, it identifies applicable national legislation.
* **Age of Employment:** Details regarding (see S7 paras. 16-19 and GN):
	+ the minimum age for employment on the project
	+ the process that will be followed to verify the age of project workers
	+ the procedure that will be followed if underage workers are found working on the project
	+ the procedure for conducting risk assessments for workers aged between the minimum age and 18
	+ Where incidences of **child labour** are identified, describe how these will be remediated
* **Forced Labour:** Where the risk of forced labour has been identified, this section outlines how this risk will be mitigated, and how any instances of forced labour will be addressed (see S7 para. 14 and GN).
* **Occupational safety and health:** Where significant health and safety risks have been identified, summarize how these will be addressed in a manner consistent with national labour and employment regulations and the requirements of S7. (Note that a specific OSH plan may be necessary.)
* **Terms and Conditions:** This section sets out details regarding (see S7 paras. 5-8):
	+ specific wages, hours and other provisions that apply to the project
	+ maximum number of hours that can be worked on the project
	+ any collective agreements that apply to the project. When relevant, provide a list of agreements and describe key features and provisions
	+ other specific terms and conditions (e.g. benefits)
	+ “Beyond compliance” initiatives e.g. to promote local employment or the hiring of traditionally underrepresented groups
* **Grievance Mechanism:** This section sets out details of the grievance mechanism that will be provided for direct and contracted workers, and describes the way in which these workers will be made aware of the mechanism (S7, paras. 26-28).
* **Contractor Management:** This section sets out details regarding (see S7, paras. 29-31 and GN):
	+ the selection process for contractors/third parties
	+ the contractual provisions that will be put in place relating to contractors for the management of labour issues, including OSH
	+ the procedure for managing and monitoring the performance of contractors
* **Community Workers:** Where community workers will be involved in the project, this section sets out details of the terms and conditions of work, and identifies measures to check that community labour is provided on a voluntary basis. It also provides details of the type of agreements that are required and how they will be documented. This section sets out details of the grievance mechanism for community workers and the roles and responsibilities for monitoring such workers.
* **Primary Supply Workers:** Where a significant risk of violations of core labour standards[[6]](#footnote-6) or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers (S7 paras. 32-34)
1. **Action Plan** This section sets out details of actions required to achieve and maintain compliance with national law and S7, including responsibilities, timelines and cost/resource estimates. The Plan will also include monitoring and reporting requirements appropriate to the nature of the project and associated labour risks and impacts. The Action Plan includes the following elements:
	* Summary of required measures identified in above sections of the LMP.
	* Describe schedule, institutional arrangements, and responsibilities and mechanisms for carrying out the identified measures, indicating who is responsible and when actions will be undertaken.
	* Describe the monitoring framework for the project and key indicators for measuring progress in implementing the identified measures.
	* Budget and Financing: Include an appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the identified measures.

**9.6 Sample Terms of Reference: Project-level Grievance Redress Mechanism**

Source: Guidance Note on Stakeholder Engagement, UNDP Social and Environmental Standards (SES), October 2017

**I. Mandate**

The mandate of the GRM will be to:

Receive and address any concerns, complaints, notices of emerging conflicts, or grievances (collectively “*Grievance*”) alleging actual or potential harm to affected person(s) (the “*Claimant(s)*”) arising from Project.

Assist in resolution of Grievances between and among Project Stakeholders; as well as the various government ministries, agencies, and commissions, CSOs and NGOs, and others (collectively, the “*Stakeholders*”) in the context of the Project.

Conduct itself at all times in a flexible, collaborative, and transparent manner aimed at problem solving and consensus building.

**II. Functions**

The functions of the GRM will be to:

1. Receive, Log and Track all Grievances received.
2. Provide regular status updates on Grievances to Claimants, Project Board (PB) members and other relevant Stakeholders, as applicable.
3. Engage the PB members, Government institutions and other relevant Stakeholders in Grievance resolution.
4. Process and propose solutions and ways forward related to specific Grievances within a period not to exceed sixty (60) days from receipt of the Grievance.
5. Identify growing trends in Grievances and recommend possible measures to avoid the same.
6. Receive and service requests for, and suggest the use of, mediation or facilitation.
7. Elaborate bi-annual reports, make said reports available to the public, and more generally work to maximize the disclosure of its work (including its reports, findings, and outcomes).
8. Ensure increased awareness, accessibility, predictability, transparency, legitimacy, and credibility of the GRM process.
9. Collaborate with Partner Institutions and other NGOs, CSOs and other entities to conduct outreach initiatives to increase awareness among Stakeholders as to the existence of the GRM and how its services can be accessed.
10. Ensure continuing education of PB members and their respective institutions about the relevant laws and policies that they will need to be aware of to participate in the development of effective resolutions to Grievances likely to come before the GRM.
11. Monitor follow up to Grievance resolutions, as appropriate.

**III. Composition**

The GRM will be composed of:

[Name of Implementing Partner] as the Secretariat and either:

1. A standing GRM Sub-Committee [made up of x, y, z PB members],

and/or

1. Ad hoc GRM Task Teams in response to specific requests for grievance.

The GRM Sub-Committee will be balanced in composition (government and non-government) and should not include any PB members with a direct interest or role in the grievance/dispute.

**IV. [Name of Implementing Partner]**

In its role as GRM Secretariat, [Name of Implementing Partner] will perform the following core functions:

* Publicize the existence of the GRM and the procedure for using it.
* Receive and log requests for dispute resolution.
* Acknowledge receipt to the requestor.
* Determine eligibility.
* Forward eligible requests to the PB for review and action.
* Track and document efforts at grievance/dispute resolution and their outcomes.

**V. Project Board/GRM Sub-Committee/GRM Task Team**

The Project Board/GRM Sub-Committee and/or GRM Task Team will perform the following core functions:

* Take direct action to resolve the grievance/dispute (e.g. bring the relevant parties together to discuss and resolve the issue themselves with oversight by the PB).
* Request further information to clarify the issue, and share that information with all relevant parties, or ensure that a government agency represented on the PB took an appropriate administrative action to deal with a complaint.
* Refer the grievance/dispute to independent mediation, while maintaining oversight; or
* Determine that the request was outside the scope and mandate of the PB and refer it elsewhere (e.g. Ministry of Justice and Police or to the courts).

**VI. Communicating a Grievance**

(i) Who can Submit a Grievance?

A Grievance can be sent by any individual or group of individuals that believes it has been or will be harmed by the Project.

If a Grievance is to be lodged by a different individual or organization on behalf of those said to be affected, the Claimant must identify the individual and/or people on behalf of who the Grievance is submitted and provide written confirmation by the individual and/or people represented that they are giving the Claimant the authority to present the Grievance on their behalf. The GRM will take reasonable steps to verify this authority.

*(ii) How is the Grievance Communicated?*

The GRM shall maintain a flexible approach with respect to receiving Grievances in light of known local constraints with respect to communications and access to resources for some Stakeholders. A Grievance can be transmitted to the GRM by any means available (i.e. by email, letter, phone call, meeting, SMS, etc.). The contact information is the following:

[Implementing Partner to add address, phone number, fax, etc.]

To facilitate communications with and between the GRM and potential Claimants, the GRM will receive support from the PB members’ institutions, local government, and civil society organizations

*(iii) What information should be included in a Grievance?*

The Grievance should include the following information:

the name of the individual or individuals making the Complaint (the “Claimant”).

a means for contacting the Claimant (email, phone, address, other).

if the submission is on behalf of those alleging a potential or actual harm, the identity of those on whose behalf the Grievance is made, and written confirmation by those represented of the Claimant’s authority to lodge the Grievance on their behalf.

the description of the potential or actual harm.

Claimant’s statement of the risk of harm or actual harm (description of the risk/harm and those affected, names of the individual(s) or institutions responsible for the risk/harm, the location(s) and date(s) of harmful activity).

what has been done by Claimant thus far to resolve the matter.

whether the Claimant wishes that their identity is kept confidential.

the specific help requested from the GRM.

However, complainants are not required to provide all of the information listed above. Initially, the complainant need only provide enough information to determine eligibility. If insufficient information is provided, the GRM has an obligation to make a substantial, good faith effort to contact the complainant to request whatever additional information is needed to determine eligibility, and if eligible, to develop a proposed response.

**VII. Logging, Acknowledgment, and Tracking**

All Grievances and reports of conflict will be received, assigned a tracking number, acknowledged to Claimant, recorded electronically, and subject to periodic updates to the Claimant as well as the office file.

Within one (1) week from the receipt of a Grievance, the GRM will send a *written* acknowledgement to Claimant of the Grievance received with the assigned tracking number.[[7]](#footnote-7)

Each Grievance file will contain, at a minimum:

1. The date of the request as received.
2. The date the written acknowledgment was sent (and oral acknowledgment if also done.
3. The dates and nature of all other communications or meetings with the Claimant and other relevant Stakeholders.
4. Any requests, offers of, or engagements of a Mediator or Facilitator.
5. The date and records related to the proposed solution/way forward.
6. The acceptance or objections of the Claimant (or other Stakeholders).
7. The proposed next steps if objections arose.
8. The alternative solution if renewed dialogues were pursued.
9. Notes regarding implementation.
10. Any conclusions and recommendations arising from monitoring and follow up.

**IX. Maintaining Communication and Status Updates**

Files for each Grievance will be available for review by the Claimant and other Stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

The GRM will provide periodic updates to the Claimant regarding the status and current actions to resolve the Grievance. Not including the acknowledgment of receipt of the Grievance, such updates will occur within reasonable intervals (not greater than every thirty (30) days).

**X. Investigation and Consensus Building**

Within one (1) week of receiving a Grievance, [Implementing Partner] will notify the PB/**GRM Sub-Committee (GRM SC)/GRM Task Team (GRM TT)** and any other relevant institutions of the receipt of the Grievance.

[IF THE PB, RATHER THAN A PRE-DESIGNATED GRM SC OR GRM TT IS THE PRIMARY BODY RECEIVING COMPLAINTS: The PB will identify a specific team of individuals drawn from the PB and/or their respective institutions to develop a response to the Grievance. The names of these individuals will be made available to the Claimant.]

The designated PB members/GRM SC/GRM TT will promptly engage the Claimant and any other relevant Stakeholders deemed appropriate, to gather all necessary information regarding the Grievance.

Through the PB members/GRM SC/GRM TT, the GRM will have the authority to request from relevant Government institutions any information (documents or otherwise) relevant to resolving the Grievance and avoiding future Grievances of the same nature.

As necessary, the PB members/GRM SC/GRM TT will convene one or more meetings with relevant individuals and institutions in [national capital], or elsewhere in [name of country] as needed.

The objective of all investigative activities is to develop a thorough understanding of the issues and concerns raised in the Grievance and facilitate consensus around a proposed solution and way forward.

The PB members/GRM SC/GRM TT will procure the cooperation of their respective staff with the investigation.

At any point during the investigation, the PB members/GRM SC/GRM TT may determine that an onsite field investigation is necessary to properly understand the Grievance and develop an effective proposed solution and way forward.

**XI. Seeking Advisory Opinion and/or Technical Assistance**

At any point after receiving a Grievance and through to implementation of the proposed solution and way forward, the PB members/GRM SC/GRM TT may seek the technical assistance and/or an advisory opinion from any entity or individual in [country] or internationally which may reasonably be believed to be of assistance.

**XII. Making Proposed Actions and Solutions Public and Overseeing Implementation**

The PB members/GRM SC/GRM TT will communicate to the Claimant one or more proposed actions or resolutions and clearly articulate the reasons and basis for proposed way forward.

If the Claimant does not accept the resolution, the PB members/GRM SC/GRM TT will engage with the Claimant to provide alternative options.

If the Claimant accepts the proposed solution and way forward, the GRM will continue to monitor the implementation directly and through the receipt of communications from the Claimant and other relevant parties. As necessary, the GRM may solicit information from the relevant parties and initiate renewed dialogue where appropriate.

In all communications with the Claimant and other stakeholders, the GRM will be guided by its problem-solving role, non-coercive principles and process, and the voluntary, good faith nature of the interaction with the Claimant and other stakeholders.

**XII. Monitoring and Evaluation**

Bi-annually, the GRM will make available to the public, a report describing the work of the GRM, listing the number and nature of the Grievances received and processed in the past six months, a date and description of the Grievances received, resolutions, referrals and ongoing efforts at resolution, and status of implementation of ongoing resolutions. The level of detail provided with regard to any individual Grievance will depend on the sensitivity of the issues and Stakeholder concerns about confidentiality, while providing appropriate transparency about the activities of the GRM. The report will also highlight key trends in emerging conflicts, Grievances, and dispute resolution, and make recommendations regarding:

1. Measures that can be taken by the Government to avoid future harms and Grievances.
2. improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

**XIII. Mediation**

For the option of independent mediation, mediators on the roster/panel should have at least the following qualifications:

* Professional experience and expertise in impartial mediation.
* Knowledge of [project type and activities in the country] and the region, including an understanding of indigenous and tribal culture and practices.
* [National and local language, as appropriate] proficiency.
* Availability in principle for assignments of up to 20 days.
* Willingness to declare all relationships and interests that may affect their ability to act as impartial mediators in particular cases.

If mediation succeeded in resolving the dispute or grievance, the outcome will be documented by [Implementing Partner] and reviewed by the Task Team. If it is unsuccessful, stakeholders will have the option to return to the PB members/GRM SC/GRM TT for assistance.

**XIV. Without Prejudice**

The existence and use of this GRM is without prejudice to any existing rights under any other complaint mechanisms that an individual or group of individuals may otherwise have access to under national or international law or the rules and regulations of other institutions, agencies, or commissions.

1. https://healthdept.wp.gov.lk/web/non-communicable-disease/ [↑](#footnote-ref-1)
2. Since the ratification of ILO Convention 169, Ecuador has adopted strict measures to protect Indigenous and Tribal People’s rights. All activities carried out by the current project will carefully observe National and International recommendations on this regard. [↑](#footnote-ref-2)
3. Private sector actors (or any other entity) that will be engaged in the project will adhere to the LMP to ensure compliance with SES prior to engagement in any project activity. Private enterprises that will provide services within the project shall also sign a safeguards commitment letter to implement all measures stipulated in the ESMF. Annex 9.5 provides a template of this LMP to be developed during the first three months of implementation. To the extent that provisions of national law and employer policies satisfy the requirements, these would be applied and the applicable party would not need to duplicate such provisions in additional project-specific labour management procedures. Additional guidance can be found in the [UNDP SES Guidance Note on Standard 7: Labour and Working Conditions](https://info.undp.org/sites/bpps/SES_Toolkit/SES%20Document%20Library/Learning%20Materials/UNDP_S7_Labour%20Guidance%20Note_June2021.pdf). [↑](#footnote-ref-3)
4. For example, the Environmental, Health, and Safety Guidelines (EHSGs), which are technical reference documents with general and industry-specific statements of Good International Industry Practice. The EHSGs contain information on industry- specific risks and impacts and the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable cost. Available at [www.ifc.org/ehsguidelines](http://www.ifc.org/ehsguidelines). [↑](#footnote-ref-4)
5. This may be particularly relevant where contractors are being engaged to carry out the project, or parts thereof, and the ESMP sets out the requirements to be followed by contractors. In this case, the ESMP should be incorporated as part of the contract with the contractor, together with appropriate monitoring and enforcement provisions. [↑](#footnote-ref-5)
6. Child labour, forced labour, non-discrimination and equal opportunity, freedom of association and collective bargaining. [↑](#footnote-ref-6)
7. Oral acknowledgments can be used for expediency (and also recorded), but must be followed by a written acknowledgment [↑](#footnote-ref-7)