



REPUBLIC OF MOZAMBIQUE

**MINISTRY OF PUBLIC WORKS, HOUSING AND WATER RESOURCES,  
NATIONAL ROADS ADMINISTRATION, PUBLIC INSTITUTE**

**CLIMATE RESILIENT ROADS FOR THE NORTH (P500488)**

**In the Provinces of Cabo Delgado, Nampula & Niassa – Mozambique**

# **LABOUR MANAGEMENT PROCEDURES (LMP)**

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**PREPARED FOR**



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## ACRONYMS

ANE, IP	National Roads Administration, Public Institute
ARVs	Antiretroviral Medicines
C-ESMP	Contractor’s Environmental and Social Management Plan
CoC	Code of Conduct
CRRNP	Climate Resilient Roads for the North Project
EHS	Environmental Health and Safety
EHSS	Environmental, Health, Safety and Security
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESS 2	Environmental and Social Standard 2
FIDIC	Fédération Internationale des Ingénieurs-Conseils/ International Federation of Consulting Engineers
FM	Financial Management
GBV	Gender-Based Violence
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HIV/AIDS	Human immunodeficiency virus /Acquired immune-deficiency syndrome
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MoLSS	Ministry of Labour and Social Security
GoM	Government of Mozambique
GRS	Grievance Redress Service
ILO	International Labor Organization
INATRO	National Institute of Road Transport
MPWHWR	Ministry of Public Works, Housing and Water Resources
OHS	Occupational Health and Safety
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
RF, PF	Road Fund, Public Fund
SEA	Sexual exploitation and abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
STIs	Sexual Operating Procedures
ToRs	Terms of Reference
UN	United Nations
VAC	Violence Against Children
VCT	Voluntary Counselling Services
VRU	Vulnerable Road User
WGRC	Workers Grievance Redress Committee
WB	World Bank

## 1 INTRODUCTION

Due to recurrent climatic impact, the road network has suffered extensive damage over the last 20 years, with substantial sums of financial resources being diverted from network improvement to the repair of flood-related damage. As the Mozambican road network has a low redundancy, those disruptions sometimes isolate communities for extended periods of time and thus have a significant detrimental impact on their local economics. In Cabo Delgado province, the cyclones, heavy rains, and floods destroyed various infrastructures including roads and bridges, hitting an already vulnerable population, which was in many areas affected by terrorism violence and poverty. In the districts of Quissanga, Mueda, Muidumbe, Macomia, Metuge, Mecufi and Ibo (the most affected) entire villages were destroyed with communities in need of humanitarian assistance which, despite the improvements in terms of security caused by terrorism, the poor condition of roads and bridges has created difficulties for the transportation of the human aid for the population.

The delays in rebuilding of road infrastructures caused by insufficient financial resources, had increased the degradation of the road network and bridges, especially steel bridges, causing partial isolation of the Mueda, Quissanga, Muidumbe, Macomia, Mecufi and Metuge districts, affecting around 378,762 people. As the security situation has improved, there is a need to urgently reconstruct the affected road network to ensure the implementation of all reconstruction projects in Cabo Delgado province and provide the minimum conditions for the movement of goods and people.

### 1.1 THE CLIMATE RESILIENT ROADS FOR THE NORTH IN NORTHERN REGION OF MOZAMBIQUE PROJECT-P500488

The GoM requested the World Bank to help develop a long - term program of socio-economic integration through **Climate Resilient Roads for the North in Northern Region of Mozambique**. The Bank has agreed to fund a US\$ 125 million envelope to finance the project. The Government of Mozambique (GoM) through the National Roads Administration, Public Institute (ANE, IP) and Road Fund, Public Fund (RF, PF) is therefore preparing the implementation of the **Climate Resilient Roads for the North Project (CRRNP)** to enhance climate-resilient, safe, and sustainable road connectivity in the Northern Provinces of Mozambique. The project implementing entity under the proposed project will be the Road Fund under the Ministry of Public Works, Housing and Water Resources (MPWHWR). To facilitate project implementation and allocation of responsibilities, the Road Fund will enter into legally binding and enforceable cooperation agreements with ANE, IP and any institutional beneficiaries of the project. The project will host an implementation unit (PIU) at ANE, IP to facilitate day-to-day project implementation.

#### 1.1.1 PROJECT COMPONENTS

The project consists of four (4) components, namely:

**COMPONENT 1: CLIMATE RESILIENT, SAFE AND SUSTAINABLE IMPROVEMENT OF ROADS (US\$ 119.6 MILLION).**

This component will support the upgrading of roads and bridges.

### SUB-COMPONENT 1.1: IMPROVEMENT AND MAINTENANCE OF ROAD NETWORK (US\$81.5 MILLION).

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This sub-component will focus potentially on the following: (i) upgrade of 52km of the secondary road N381 Mueda–Xitaxi; and 15km of the tertiary road R762 Muepane–Quissanga; and rehabilitation of 25km of sealed secondary road N380 Muagamula–Xitaxi in Cabo Delgado province, including the rehabilitation or reconstruction of culverts and other drainage infrastructure; (ii) Consultancy services for the preparation of concept design and bid documents for upgrading/rehabilitation of roads, including for follow-on operations, and the monitoring of road works; and (iii) Land acquisition and resettlement of project affected persons. Road safety audits/inspections will be conducted at different stages of the project, speed management and improved Vulnerable Road User (VRU) facilities will be ensured across project roads and bridges. Pedestrian sidewalks, and cycle lanes in urban and community centers, including wider shoulders along road segments will be introduced for non-motorized traffic to increase road safety of VRUs. Through this Subcomponent, Community infrastructure (markets, schools, health centers, agriculture produce storage facilities) will be provided to rural population along segments of roads targeted by the project and incorporated into the works contracts.

### SUB-COMPONENT 1.2: IMPROVEMENT OF BRIDGES AND DRAINAGE STRUCTURES (US\$38.1 MILLION)

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This sub-component will focus on: (i) construction and rehabilitation of five concrete bridges along the secondary road N380 in Cabo Delgado (Mirohote (45m), Muaguamula (40m), Muera 1 (55m), Muera 2 (30m) and Nango (35m); (ii) Consultancy services for the preparation of concept design and bid documents, and the monitoring of the bridge works in Cabo Delgado province; (iii) acquisition and installation of 1,500m of bailey/metallic bridges in tertiary roads in all three northern provinces, including the construction of substructure of the bridges; and (iv) Consultancy services for design and preparation of bid documents for construction of the substructure for installation of the bailey/metallic bridges in all three northern provinces.

### COMPONENT 2: IMPROVEMENT OF ROAD SAFETY AND TRANSPORT MOBILITY (US\$ 2.5 MILLION)

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The Safe System approach for road safety will be an integral part of the road design and implementation. This component will finance:

- a. the enhancement of the capacity of the National Institute of Road Transport (INATRO) on road safety regulation, inspection and supervision, and ANE on road safety engineering.
- b. a pilot program on safe road infrastructure, inclusive road safety programs targeting youth, awareness-raising and dissuasive measures, and improving gender disaggregated crash data collection.
- c. first responder training for youth across project roads.
- d. a “safer route to school” pilot to improve access to schools.
- e. capacity building and accreditation on road safety audit; and
- f. a study on improving transport services in rural areas, including addressing the recommendations of the report.

### Component 3: Institutional Strengthening and Project Management (US\$ 2.9 million).

Component 3 will include incremental operating costs and institutional strengthening activities. It will cover:

- a. an institutional assessment of the road sub-sector.
- b. road asset management.
- c. enhancement of climate resilience in planning and management of road infrastructure.
- d. road and traffic data collection.
- e. preparation of a road maintenance strategy.
- f. study on facilitation of public private partnerships in road rehabilitation and maintenance; (vii) development of community resilience committees led by women to support emergency preparedness and response; and
- g. promotion of women's employment in the road sub-sector. Effort will be made to incorporate a skills development and livelihoods sub-component to provide opportunities for conflict-impacted local labor in the road works.

This component will also provide technical assistance for the implementation of the project including procurement, FM and audits, environmental and social oversight, and M&E.

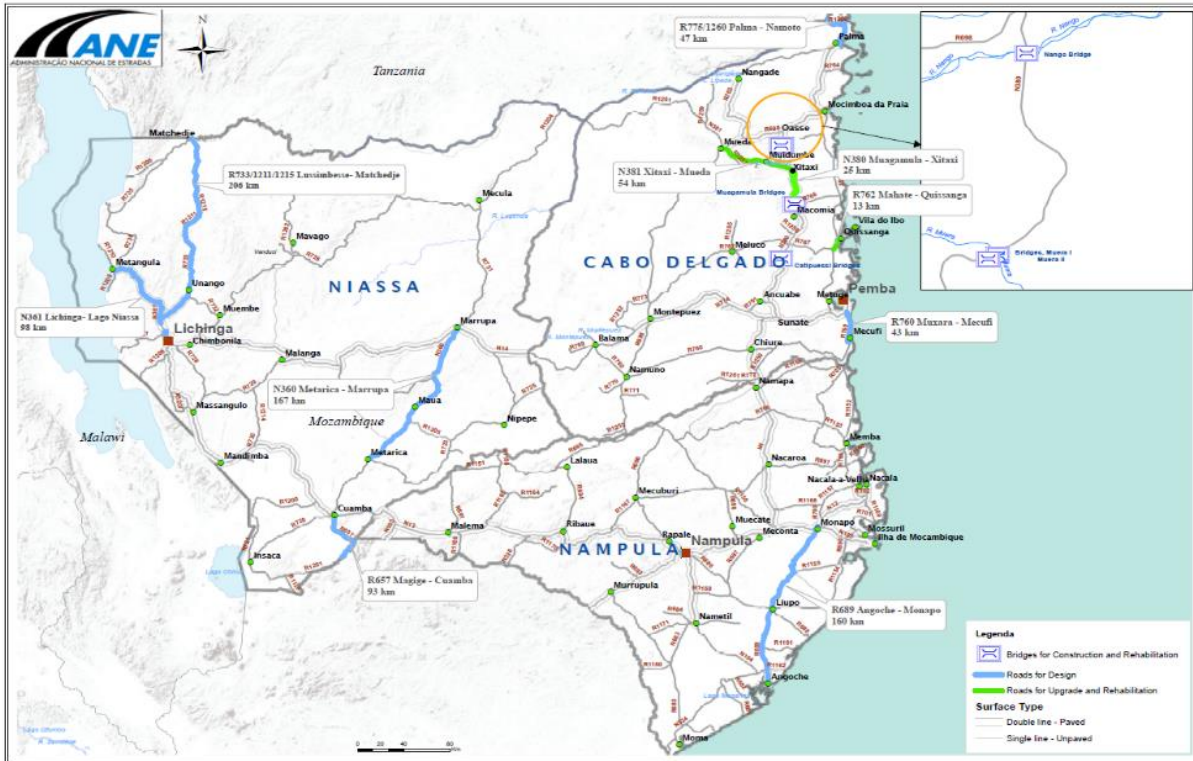
### COMPONENT 4: CONTINGENT EMERGENCY RESPONSE

This component will facilitate access to rapid financing by allowing reallocation of uncommitted project funds in the event of a natural disaster, either by a formal declaration of a national or provincial government of emergency or upon a formal request from the Government of Mozambique.

#### 1.2 PROJECT LOCATION

The project targeted area is essentially the province of Cabo Delgado specific roads, (consisting of 52km of the secondary road N381 Mueda–Xitaxi; 15km of the tertiary road R762 Muepane–Quissanga; and rehabilitation of 25km of sealed secondary road N380 Muagamula–Xitaxi), and installation of 1,500m of bailey/metallic bridges in tertiary roads in all three northern provinces (Cabo Delgado, Niassa and Nampula), including the construction of substructure of the bridge's interventions in bridges.

The Map below reflects project location:



**Figure 1: Provinces of project intervention**

### 1.2.1 PROJECT BENEFICIARIES

The project targets mainly the province of Cabo Delgado specific roads where 3 roads will be rehabilitated/constructed and additionally 2 other northern provinces of Niassa and Nampula where bridges in tertiary roads in all three northern provinces (Cabo Delgado, Niassa and Nampula), including the construction of substructure of the bridges and other associated drainage structures.

The project will also benefit the northern region, which is also currently affected by internal conflict and instability. The improvement of road access and network will contribute to easy admission of the region including the affected areas and people. The project will mitigate the current “partial isolation of the Mueda, Quissanga, Muidumbe, Macomia, Mecufi and Metuge districts (approx. 378,762 people). Reconstruction of the affected road will provide the minimum conditions for the movement of goods and people.

### 1.3 OBJECTIVES OF LABOUR MANAGEMENT PROCEDURES

The Financing *Climate Resilient Roads for the North in Northern Region of Mozambique (P500488)* is being prepared under the World Bank’s Environmental and Social Framework (ESF). As per the Environmental and Social Standard (ESS) 2 on Labor and Working Conditions, borrowers are to promote sound worker management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

Therefore, by and large, the objectives of this LMP in the project are:

- a. To promote the safety and health at work;

- b. To promote the fair treatment, non-discrimination, and equal opportunity of the project workers;
- c. To protect the project workers including vulnerable workers such as women, persons with disabilities, children (of working of working age, following ESS2), migrant workers, workers from fragile environments, contracted workers, and primary supply workers as appropriate;
- d. To prevent the use of all forms of forced and child labor;
- e. To support the principles of freedom of freedom association and collective bargaining of project workers in a manner consistent with national law; and
- f. To provide project workers with accessible means to raise workplace concerns.

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### 1.3.1 RATIONALE OF LMP

The project is to be financed by the World Bank and as such, it needs to comply with the Bank's Environmental and Social Framework-ESF (2016) comprising, *inter alia*, the Environmental and Social Standards (ESS)<sup>1</sup>. In response to the commitment of the GOM to comply with the ESF, the ANE has developed this Labor Management Procedures (LMP) which attempts to laying out the road Project's approach to meeting the objectives of World Bank *ESS 2: Labor and Working Conditions*. It sets out the terms and conditions for employment or engagement of workers on the project, specifies the requirements and standards to be met and the policies and procedures to be followed, assesses risks and proposes the implementation of compliance measures and promotes fair treatment, nondiscrimination, and equal opportunity of project workers. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and set out the way in which project workers will be managed, in accordance with the requirements of national law and the ESS2. Its procedures address the way in which both standards will apply to different categories of project workers including direct workers, and the way in which third parties will manage their workers compliant to this document.

This LMP defines different types of project workers, including national and county government staff, and consultants to be engaged in the project activities. The minimum age for employment by the Government of Mozambique Labor Law 23/2007 of 1<sup>st</sup> August establishes 15 years<sup>2</sup> as the minimum age for work which shall be minimum age for this project. However, employment under CRRNP will be in compliance with the age limits and employment age limitations defined in ESS2. In ESS2, Paragraph 18: "A child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions: (a) the work does not fall within paragraph 19 below; (b) an appropriate risk assessment is conducted prior to the work commencing; and (c) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of this ESS.

And Paragraph 19, further defines conditions of employing a child over minimum age and under the age of 18 years as: A child over the minimum age and under the age of 18 will not be employed or

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<sup>1</sup> In August 2016, the World Bank's Board of Executive Directors approved the Environmental and Social Framework (ESF), which have come into effect in August 2018

<sup>2</sup> The Law establishes 15 as the minimum age for work, but education is compulsory only until age 13, leaving children ages 13 and 14 vulnerable to child labor.

<https://search.yahoo.com/search?fr=mcafee&type=E211US714G0&p=Minumun+employment+age+in+Mozambique>

engaged in connection with the project in a manner that is likely to be hazardous<sup>13</sup> or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.<sup>3</sup>

Specifically, the LMP will:

- a. Promote safety and health at work;
- b. Promote the fair treatment, non-discrimination and equal opportunity of project workers and other stakeholders; and
- c. Protect project staff, including government staff and consultants.

The Labor Management Procedures (LMP) has been developed by ANE, IP for its *Climate Resilient Roads for the North in Northern Region of Mozambique* project in fulfillment of the requirements of the World Bank's ESS2 -Labor and Working Conditions, Health and Safety, and national labor regulations. The LMP will identifies some of the main labor requirements and risks associated with the project which will help ANE, IP determine the resources necessary to address project labor issues. 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. Accordingly, this document details the type of workers likely to be deployed by the project and the management.

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### 1.3.2 APPLICATION - SCOPE AND STRUCTURE OF LMP

This LMP will apply to project workers including fulltime, part-time, temporary, and seasonal. The project scope does not provide or anticipate the employment of migrant workers. Although international consultants may be recruited to offer specific services, their conditions of engagement will be as contained in their contracts and terms of reference (ToRs).

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#### 1.3.2.1 SCOPE OF THE LMP

The LMP applies to **project workers** as defined by ESS2<sup>4</sup>. The focus of this LMP is on workers engaged by potential construction contractors and service providers (**contracted workers**) and consultants engaged directly by ANE, IP through its Project Implementation Unit (PIU) to perform project related tasks (**direct workers**). The labor for community workers is not foreseen and therefore not expected.

The extent to which primary supply workers will contribute in the projects pool of workers, including the assessment whether supply of goods and/or materials will be on an ongoing basis. It will be a core function of the project to qualify the primary suppliers and best estimate the required numbers of suppliers and their workers considering the type of supply needs for construction/rehabilitation works. The labor management procedures set out the actions how potential risks of child labor, forced labor and serious safety issues, which may arise in relation to primary suppliers will be identified and assessed including roles and responsibilities for monitoring primary suppliers. The legal framework of

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<sup>3</sup> <https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf#page=45&zoom=80>

<sup>4</sup> The term "Project Worker" refers to: (a) people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers); people employed or engaged through third parties<sup>3</sup> to perform work related to core functions of the project, regardless of location (contracted workers); (c) people employed or engaged by the Borrower's primary suppliers (primary supply workers); and (d) people employed or engaged in providing community labor<sup>6</sup> (community workers). ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

Mozambique guiding Labor and Working Conditions is, with a few minor shortcomings, strongly compliant with the ESS2 as Mozambique is signatory to the International Labor Organization (ILO) and United Nations (UN) Conventions informing the ESS2.<sup>5</sup>).

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### 1.3.2.2 STRUCTURE OF THE LMP

Scope of the Labour Management Procedures (LMP) is outlined in the World Bank's Environmental and Social Standard 2 (ESS2) – Labour and Working Conditions. The stakeholder engagement was planned as an integral part of the project's environmental and social assessment and project design and implementation. As such the LMP is informed by the stakeholder engagement undertaken during the preparation of the all the environmental and social instruments of the project.

This document is presented under 14 chapters. Chapter 1 served as Introduction; Chapter 2 - An overview of labor use in the project; Chapter 3 - Key potential labor risks; Chapter 4 – combines a presentation of Brief Overview of Labour legislation: Terms and Conditions & Occupational Health and Safety – both national and international; Chapters 5 – Presents the Staff Responsibility - defining Implementation Arrangements; Chapter 6 – Policies and Procedures relevant for the labour management in the project; Chapter 7 – discusses the Age Requirement/eligibility for employment under this project; Chapter 8 – Discusses Terms and Conditions of Employment; Chapter 9 – Grievance Redress Mechanism under the project; Chapter 10 - Contractor Management; Chapter 11 – Discussion of Community Workers – who are assessed as not being involved in this project; Chapter 12 – Presents assessment of the Primary Supply Workers and Chapter 13 and 14 presents the a summary estimate of financial resources for implementation of the LMP and report annexes respectively.

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<sup>5</sup> These include: ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention 98 on the Right to Organize and Collective Bargaining, ILO Convention 29 on Forced Labor, ILO Convention 105 on the Abolition of Forced Labor 2 Guidance Note – ESS2: Labor and Working Conditions • ILO Convention 138 on Minimum Age (of Employment) • ILO Convention 182 on the Worst Forms of Child Labor • ILO Convention 100 on Equal Remuneration • ILO Convention 111 on Discrimination (Employment and Occupation).

## 2 OVERVIEW OF LABOR USE ON THE PROJECT

### 2.1 PROJECT WORKERS

The implementation of the project will attract varied levels of workers, skilled and unskilled. The appropriate numbers of the potential identified categories of workers are not known at the preparation of the LMP. The actual numbers will be determined at project implementation stage. It is expected that, the Project will engage the following categories of project workers as defined by ESS2:

#### 2.1.1 DIRECT WORKERS

Direct workers will be independent consultants hired specifically to work in relation to the project management and coordination under the PIU yet to be established in ANE, IP. The PIU Team will be engaged through the standard form of Contracts for Consultancy services provided by the World Bank with standard wording and will have managerial, administrative and coordination roles. The core number of PIU personnel and their job descriptions will comprise the following; Project Management/Coordination, Environmental and Social Specialists, Monitoring and Evaluation Specialist, Financial Management Specialist, Procurement Specialists, and administrative and logistics support services team (communication officers, secretary, drivers, and office attendants). RF/ANE, IP is expected to mobilize an *estimated 20 persons E&S Team* direct workers at its PIU and provincial level.

The RF/ANE PIU level will be expected to mobilize project E&S personnel specific resources to support the mobilization and implementation including the following: One (1) Environmental Specialist; One (1) Road Safety Expert; One (1) Social/Resettlement Specialist; One (1) GBV/SEA/SH/VAC Expert; One Security Specialist; One (1) Senior Highway Engineer with experience in climate resilient infrastructure; and One (1) Monitoring and Evaluation Specialist; amongst others.

At Provincial level, ANE will be expected to hire and train the following staff to build the capacity of E&S risk management (as also identified/confirmed through consultations): Three (3) Environmental Specialists; Three (3) GBV/SEA/SH/VAC Experts; Three (3) Road Safety Officers; Three (3) Occupational Health and Safety (OHS) Officers - with experience in ISO45001:2018 or OHSAS 18001:2007 certification; and Three (3) Social/Resettlement Specialists; one per province (based in Niassa, Nampula and Cabo Delgado respectively). In some instances, some government civil servants will be working in connection with the project, whether full-time or part-time and under such circumstance such staff will remain subject to their existing public sector employment terms and conditions for the period of the period.

#### 2.1.1.1 CIVIL SERVANTS FROM OTHER MINISTRIES, AGENCIES AND COUNTY GOVERNMENTS

All Government staff to be involved in the project (such as from the Ministry of Public Works, Housing and Water Resources) will remain subject to the terms and conditions of their existing public sector employment, which are governed by Constitution of the Republic of Mozambique of 2004, the Labor Law 23/2007 and existing Public Service Regulations. There will be no legal transfer of their employment or engagement to the project unless staff decide to do so.

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### 2.1.2 CONTRACTED WORKERS

Contracted workers will be engaged or employed by third parties' i.e., contractors, sub-contractors<sup>6</sup> and service providers needed for project implementation and these imply professionals and support staff provided by the contractor or consultants or by any sub-contractor or sub-consultants assigned to perform the services or any part thereof. The contractual and legal relationship between the third parties and the ANE, IP will be established through contracts awarded in line with the standard procurement procedures and bidding documents in accordance with FIDIC Standard Contracts requirements. Each Sub-Project will be subject to a competitive open tendering procedure both for works and supervision services (although the scope of one supervision service contract may cover multiple construction contracts). An estimated 500 – 600 varied contracted workers are expected to be hired over the period of implementation across the 3 beneficiary provinces.

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#### 2.1.2.1 CONSULTANTS

The Project will be supported by national and/or international consultants in some of its activities and these will be hired on needs basis in the project. Some these will be in the PIU and some in the construction needs of the project.

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### 2.1.3 PRIMARY SUPPLY WORKERS

This category will be engaged on the project as certain supply of materials (i.e., stone aggregate and crushed stone, geotextile, cement, gravel, sand etc.) will be required within the project. Where the contractor will source such materials directly from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed “primary supply workers,” as defined in ESS2.

As part of the environmental and social assessment, the project will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. However, these impacts are not subject to ESS2 but will be looked through the lens of ESS1 and ESS4 and the area covered by relevant management plans (i.e., sub-project specific ESMPs and the contractors environmental and social management plan in line with the ESMF).

All primary suppliers are formal businesses who are required to procure and produce materials subject to high standards, compliant with provincial By-laws and national legislation. Any new supplier will be vetted in regard to compliance with taxes, certification, licensing, and any public liability certifications. Only primary suppliers that meet the relevant requirements of this LMP will be engaged.

The number and type of primary suppliers will be determined at project implementation stage. However, it is estimated that about 50-80 primary supply workers will be engaged over the implementation period. The timing of labor use of primary supply workers will cover the construction stage of the project (see Section 12 for more details on primary supply workers).

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### 2.1.4 COMMUNITY WORKERS

No community workers will be hired under the project as per the ESS2 definition. All community members to be engaged will be categorized and managed as “contract workers.”

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<sup>6</sup> Sub-Consultant/Contractor means any person or entity to whom/which the Contractor or Consultant subcontracts any part of the Works or Services.

## 2.2 KEY PROJECT ACTIVITIES

From the project components descriptions, some of the key activities will amongst others include:

- a. upgrade of 52km of the secondary road N381 Mueda–Xitaxi; and 15km of the tertiary road R762 Muepane–Quissanga; and rehabilitation of 25km of sealed secondary road N380 Muagamula–Xitaxi in Cabo Delgado province;
- b. Rehabilitation or reconstruction of culverts and other drainage infrastructure;
- c. promotion of women’s employment in the road sub-sector. Effort will be made to incorporate a skills development and livelihoods sub-component to provide opportunities for conflict-impacted local labor in the road works;
- d. undertake consultancy studies for the preparation of concept design and bid documents for upgrading/rehabilitation of roads, including for follow-on operations, and the monitoring of road works;
- e. undertake land acquisition and resettlement of project affected persons (PAPs);
- f. conduct road safety audits/inspections at different stages of the project covering speed management;
- g. development of community resilience committees led by women to support emergency preparedness and response;
- h. conduct training of the youth across project roads on first responder mechanism;
- i. undertake pilot scheme on a “safer route to school” to improve access to schools;
- j. capacity building and accreditation on road safety audit;
- k. a study on improving transport services in rural areas, including addressing the recommendations of the report; and
- l. Installing improved Vulnerable Road User (VRU) facilities to ensure across project roads and bridges especially pedestrian sidewalks, cycle lanes in urban and community centres including wider shoulders which are to be introduced along road segments for non-motorized traffic to increase road safety of VRUs; and
- m. Undertaking a pilot program on safe road infrastructure, inclusive road safety programs targeting youth, awareness-raising and dissuasive measures, and improving gender disaggregated crash data collection.

## 2.3 NUMBER OF PROJECT WORKERS

The project constitutes 3 roads of varied states/grades including acquisition of land and resettlement of project affected persons, 5 bridges in 3 provinces including project designs; road safety and transport mobility improvement as well as institutional strengthening and emergency response. Therefore, though at this stage the exact numbers of workers cannot be stated with certainty, based on typical estimates of workers on road works projects, the number of workers can be in the range of 600-700 who will be involved in a number activities relating to the project. Summary of the potential categories of workers can be as on Table below:

TABLE 2-1: ESTIMATED NUMBER OF PROJECT WORKERS

N°.	Type of project workers	Characteristics of project workers	Timing of Labor requirements	Estimated numbers
1	Direct Workers • PMU/PIU Staff	<ul style="list-style-type: none"> <li>• National staff</li> <li>• Foreign Workers</li> </ul>	<ul style="list-style-type: none"> <li>• From project preparation until project end.</li> <li>• Prior to the construction stage.</li> </ul>	20
2	Contracted Workers • Construction & Supervision Consultants • Independent Monitoring Consultants • Skilled workers engaged by the contractors • Skilled workers engaged by the sub-contractors • Unskilled workers	<ul style="list-style-type: none"> <li>• International and national experts;</li> <li>• National experts;</li> <li>• Mostly national technical permanent staff;</li> <li>• National/local host community members, male and female workers and persons with disabilities that are able to work.</li> </ul>	<ul style="list-style-type: none"> <li>• From the early stage of project implementation until project completion</li> <li>• Timing of labor requirement will fluctuate, dependent on the construction stages, which will be determined by individual contractors at the contract award</li> </ul>	500 -600
3.	Migrant workers	<ul style="list-style-type: none"> <li>• Local</li> <li>• Foreign</li> </ul>	<ul style="list-style-type: none"> <li>• From the early stage of project implementation until project completion</li> </ul>	20 - 30
4.	Primary suppliers: Workers engaged by primary suppliers at quarry sites (construction materials)	They are most likely local workers	The construction stage of the project.	50 - 80
5.	Community Workers	Not applicable	Not applicable	

Note the following:

- a. Workers will be hired in compliance with the conditions defined in ESS2. While the national law defines the workers minimum age as 15 years, compliance with the required conditions for the fulfilment ESS2 conditions under paragraph 18 and 19, the project will not employ workers under the age of 18 years in the implementation of the project. If the employer complies fully with conditions defined under ESS2 regarding children between 15 and 18 years, then ANE, IP in collaboration with the Supervision Engineer/Consultant will clear the consultant.
- b. Details of female workers to be hired under the project are not known at this stage.
- c. Actual project workers will be defined prior to implementation

## 2.4 TIMING OF LABOR REQUIREMENTS

The various workers who will be required at its various scheduled times of the project process will be recruited and deployed at its effectiveness and they shall be maintained as required throughout the project implementation period. Contractors, supervision engineers and workers will all be recruited at the beginning of the sub-project. The sub-projects will provide job opportunities for skilled and unskilled workers as well. However, unskilled workers (including their numbers) will be hired when required according to the nature of the works.

The number of workers needed for each activity will be determined prior to implementation. For each category of worker, a contract will be issued with a Code of Conduct prior commencement of any assignment and the implementing agency will ensure that workers are required to comply with the CoC for the project.

### 3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Potential risks are those related to labor and working conditions, such as work-related discrimination, gender-based violence (GBV) and sexual exploitation and abuse (SEA) and occupational health and safety (OHS). The PIU will assess and address these risks by developing recruitment guidelines, procedures and appropriate OHS measures and applying relevant provisions of the Labour Law 23/2007, public service regulations and applicable manual provisions on human resources management under Ministry of Labour and Social Security (MoLSS) and the ESS2 and ESS4. A summary of the anticipated labor related risks in the road projects are provided in the Table below alongside proposed mitigation measures.

TABLE 3-1: POTENTIAL LABOR RELATED RISKS AND THEIR PROPOSED MITIGATION MEASURES

Nº.	Risk identified	Mitigation Measures proposed
1	Occupational Health and Safety Risks	<ul style="list-style-type: none"> <li>• Develop an Occupational Safety and Health Management Plan and enforce its implementation to avoid/minimize occupational health and safety risks;</li> <li>• Develop and apply a workers/management Code of Conduct</li> <li>• Presence of a qualified OHS Supervisor to ensure implementation of OHS plan;</li> <li>• Provide a stocked first aid kits under the charge of always trained First Aiders on various sites;</li> <li>• Provide certified training on First Aid and proper use of PPEs</li> <li>• Provide adequate warning sign in all areas where safety risks are high.</li> <li>• Report any accidents to relevant Authorities in accordance with national legislation.</li> <li>• Investigate and report any accidents or incidents to the World Bank within 24 - 48 hours of accident occurrence.</li> <li>• Provide training on health and safety for all workers.</li> <li>• Prepare and implement waste management plan, focus on:               <ul style="list-style-type: none"> <li>✓ Reducing waste</li> <li>✓ Recycle and reuse waste</li> <li>✓ Hazardous chemical</li> <li>✓ Safe storage and disposal of wastes</li> </ul> </li> <li>• Prepare transport management plans</li> </ul>
2	Discrimination/non-inclusion of certain groups	<ul style="list-style-type: none"> <li>• Road projects workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment.</li> <li>• The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.</li> </ul>

		<ul style="list-style-type: none"> <li>• In addition, all employment will be voluntary and to mitigate the risk of employees or consultants being forced to work overtime, the workers will be provided with accessible means to raise workplace concerns. This will be done through the project grievance redress mechanism (GRM) as well as formation and joining of collective bargaining bodies. This could happen with suppliers of goods and consultants.</li> <li>• It is also important that, engagement contracts be understood by the parties before they are signed to avoid such occurrences in the project.</li> <li>• Implement a deliberate policy for gender equality where all genders will have equal opportunities and promote zero tolerance to discrimination</li> <li>• Development of GRM;</li> <li>• Develop deliberate mechanism to monitor participation of vulnerable groups in all activities.</li> <li>• Comply with the national employment and labour laws.</li> </ul>
3	Gender Based Violence/ Sexual abuse and Exploitation/ Sexual Harassment (GBV/SEA/SH), Violence Against Children (VAC)	<ul style="list-style-type: none"> <li>• Create awareness and inform project affected communities/persons about GBV/SEA/SH, VAC risks, as part of stakeholder consultations;</li> <li>• Carry out sensitization for girls and expand joint campaign and sensitization with schools in project's surrounding areas</li> <li>• Map out GBV/SEA/SH, VAC prevention and response services in project area of influence;</li> <li>• Develop a GBV/SEA/SH, VAC Action plan including an Accountability and Response Framework, as part of project ESMP</li> <li>• Consider having a GBV/SEA/SH, VAC specialist on the project</li> <li>• Develop GBV/SEA/SH, VAC Referral Pathways;</li> <li>• Where appropriate provide economic empowerment for girls and women to minimize on exploitation;</li> <li>• Prepare, adopt and implement workers code of conduct (<i>refer to Annex 1 – Code of Conduct Guideline – Template</i>).</li> <li>• Make certain the availability of an effective grievance redress mechanism (GRM), which is GBV/SEA/SH, VAC responsive, with multiple channels to initiate a complaint (parallel GBV/SEA/SH, VAC GRM may be warranted);</li> <li>• Ensure that the established Community and workers' GRCs are trained and have capacity to prevent and respond to GBV/SEA/SH, VAC, OHS and social and environmental issues</li> <li>• Evaluate the contractor's GBV/SEA/SH response proposal in the Contractors, the contractor's ability to meet the project's GBV requirements.</li> <li>• Consider oversight through an independent Third-Party Monitor (TPM) with experienced GBV GBV/SEA/SH, VAC staff;</li> <li>• Implementation Agency to recruit GBV/SEA/SH, VAC Service Providers to facilitate access to timely, safe, and confidential services for survivors to be considered.</li> </ul>
4	Disagreement on contracts at implementation – Labour conflict and conditions of employment	<ul style="list-style-type: none"> <li>• Development and progressively review of LMP.</li> <li>• Establishment of Workers' Grievance Redress Mechanism (GRM); and</li> <li>• Implement the national labour law</li> </ul>

5	Child Labour/ Forced Labor	<ul style="list-style-type: none"> <li>• Raise awareness and sensitize surrounding communities on issues of prohibition and negative impacts of child and forced labor;</li> <li>• Employ people that are aged 18 year and above (with evidence of national identification cards and birth certificates); <i>Children at minimum age of 15 years must only be accommodated without breaching the labour conditions of children to avoid non-compliance.</i></li> <li>• Restrict workers from buying merchandise from children.</li> <li>• Enforcement of the laws on child labour, sexual harassment, exploitation, and abuse in the road projects.</li> </ul>
6	Transmission of communicable diseases such as, HIV/AIDS & STDS	<ul style="list-style-type: none"> <li>• Sensitize workers and surrounding communities on risks of HIV and AIDS and other STIs;</li> <li>• The road projects will put in place measures for the prevention of STDs/HIV/AIDS transmission involving awareness and sensitization, distribution of safe sex gear including condoms, voluntary counselling, and testing (VCT) and distribution of ARVs;</li> <li>• Establish a dedicated health clinic (and appropriate mobile services) for the workers' attention and facilitate referrals to the national health units.</li> <li>• The contractors to retain the services of and other communicable diseases' Service Provider(s) to facilitate access to timely, safe, and confidential services for the affected.</li> </ul>
7	Security Risks/Terrorist actions	<ul style="list-style-type: none"> <li>• Follow the guidance from the project Security Plan and national security emergency plans.</li> <li>• Collaborate with provincial, district and community level security authorities.</li> </ul>
8	Exposure to extreme weather conditions	<ul style="list-style-type: none"> <li>• Dehydration can have a significant impact on construction workers and measures such as installing drinking water points easily accessible to the workers serves as one of the measures to address this risk;</li> <li>• Other measures such as having intermittent breaks between hours to the workers serves to reduce prolonged exposure to heat environment;</li> <li>• Collaborate with the National Meteorological agency and follow the emergency requirements/guidance both at Provincial and District levels;</li> <li>• Provide appropriate protection gears for the workers;</li> <li>• Consider the safe working seasons and times.</li> <li>• Observe and follow national/provincial/District emergency response guidelines and plans.</li> </ul>
9	Labour Influx/Migrant workers	<ul style="list-style-type: none"> <li>• To the extent possible, engage non-skilled labor force from within the communities to minimize migrant workers and its potential associated negative impacts.</li> <li>• In situations, where the required skills are found within the project communities these should be given priority.</li> <li>• Where labour is sought beyond the surrounding community, migrant workers both local and foreign will be sensitized on project requirements including Code of Contract</li> <li>• Develop a rolling labour (influx management plan)</li> </ul>
10	Discrimination and exclusion of vulnerable/disadvantaged groups	<ul style="list-style-type: none"> <li>• Development and operationalize a Grievance Redress Mechanism (GRM);</li> </ul>

		<ul style="list-style-type: none"> <li>• Prepare and implement a Gender Policy to guide on issues of equality and equal opportunities and non-discrimination practices in the road projects;</li> <li>• Develop deliberate mechanism to monitor participation of vulnerable groups in all activities; and</li> <li>• Enforce and comply with national labour and employment laws.</li> </ul>
11	Human Trafficking	<ul style="list-style-type: none"> <li>• Follow the guidance from the Project Security Plan in place; and</li> <li>• Collaborate with national, provincial, district and community level security authorities.</li> </ul>
12	<p>Non-compliance with Labour Laws by contractors and workers</p> <p>Including (but not limited to):</p> <ul style="list-style-type: none"> <li>✓ Employment of child labour</li> <li>✓ Sexual harassment of locals and staff by the contractor.</li> <li>✓ Working without PPEs</li> <li>✓ Under payment/late payment</li> <li>✓ Lack of worker's contracts</li> <li>✓ unclear benefits due to workers by contractors</li> <li>✓ Abuse by contractors</li> </ul>	<ul style="list-style-type: none"> <li>• All/both contractors and workers should sign a Code of Conduct (CoC) before commencement of construction works, which provides among others issues of labor related laws and regulations;</li> <li>• Sensitize workers on labor related issues and regulations to ensure that they comply; and</li> <li>• Observance of the national labor laws and World Bank ESS2 and overall ESSs.</li> <li>• Enforce and monitor the implementation of the national labor laws and World Bank ESS2 and overall ESSs; as well as the contractual obligations.</li> </ul>
13	Inadequate internal capacity to manage the environmental and social risks in the project area	<ul style="list-style-type: none"> <li>• Hire and train environmental and social officers at Provincial and District levels</li> <li>• ANE, IP to monitor</li> </ul>
14	Difficult to manage Constructors	<ul style="list-style-type: none"> <li>• Enforce and monitor the implementation of the national labor laws and World Bank ESS2 and overall ESSs; as well as the contractual obligations.</li> <li>• Strengthen the contractual management</li> </ul>

Overall, consultations from key stakeholders<sup>7</sup> identified the above listed risks and impacts and made appropriate recommendations. The following general recommendations were made from the varied stakeholders for the effective management labour and working conditions for the project workers:

- a. The ANE, IP headquarters to typically take the lead on the management of E&S impacts/risk management. In ANE, IP leading (including supervision of the project implementation), ANE will establish and coordinate all the relevant departments and agencies to ensure inclusion in all regions.
- b. Also, there should institution cooperation to ensure that adequate efforts are directed towards effective labor management.
- c. ANE, IP's regional offices should be more involved in project implementation, and the project should provide internal capacity building to ensure all relevant departments/agencies are

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<sup>7</sup> ANE, IP; Ministry of Labor, Employment and Social Security; Provincial Directorate of Industry and Commerce/Labour; Provincial Police, directorate of children, gender and social development for Cabo Delgado.

responsive to the project requirements. Delegated It was also proposed that Attaching staff to projects as a means of developing internal capacity

- d. The contractor should allow for awareness creation and be willing to create a conducive labour working environment.
- e. Regarding partnership with the police, it was recommended that the responsible departments led by ANE, IP should ensure that the police at all levels are actively involved in project implementation to avoid end tail emergencies. Such a proactive approach would allow for detecting and putting in place mitigation measures.
- f. The contractors and all service providers should adopt a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence and any crime related complaints that may arise.
- g. There should be proper monitoring framework to ensure that these atrocities are detected and prevented.

## 4 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS & OCCUPATIONAL HEALTH AND SAFETY

### 4.1 MOZAMBIQUE NATIONAL LEGISLATION

The Labour Legislations relating to terms and conditions as well as Occupational Health and safety are so interrelated that it was found relevant to be described under the same chapter rather than separate it to avoid repetitions. Therefore, this chapter covers both overview of labour legislation on terms and Conditions, & Occupational Health and Safety as a requirement of the LMP in accordance to ESS2.

The country's social, economic and political development has necessitated a re-structuring of the legal framework governing labor, employment and social security in pursuant to article 179 (1) of the Constitution of the Republic. The sources of Labor Law are the Constitution of the Republic, normative instruments enacted by the Assembly of the Republic and the Government, international treaties and conventions, as well as collective labor regulation instruments. This law shall apply to the legal employment relationships between employers and employees, both national and foreign, in all fields of activity, who carry out their activity in Mozambique.

#### 4.1.1 RELEVANT/APPLICABLE LABOUR LEGISLATIONS

##### 4.1.1.1 THE CONSTITUTION OF THE REPUBLIC OF MOZAMBIQUE OF 2004 WITH 2007 AMENDMENTS

This makes provisions for the right to retribution and safety in the workplace as well as the right to healthcare. Article 85 (2) stipulates that all workers shall have a right to protection, health and safety at work, and Article 89 stipulates that all citizens shall have the right to health and medical care and shall have the duty of promoting and protecting public health.

##### 4.1.1.2 DECREE N<sup>o</sup>. 5/2002

This is a Legislation to protect workers with HIV/AIDS from discrimination based on their health status. It establishes the general principles aimed at ensuring that all employees and applicants for employment should not be discriminated against in the workplace or when applying for jobs because of suspicion or infection of HIV/AIDS Article 8 states that the worker who becomes infected with HIV/AIDS in the workplace, in connection with his professional occupation, in addition to the compensation they are entitled, have to be ensured of adequate medical assistance to alleviate their state of health, pursuant to the Labor Law and other applicable law, at the expense of the employer.

##### 4.1.1.3 LABOR LAW N<sup>o</sup>. 13/2023 OF 25 AUGUST

This law presents distinct provisions for women workers, child labor, and health, safety, and hygiene in the workplace. The Mozambique legal framework is quite comprehensive and transcends the Labor Law and covers the Constitution of 2004, the ILO Conventions related to the matter and other regulations such as the Judicial Regime on Work Related Accidents and Work-Related Illnesses. *It is important to note that the new Labor Law 13/2023 of 25 August was passed, repealing the Law no. 23/2007 (of August 1<sup>st</sup>)– “old” Labor Law. It should also be noted that the Law no. 13/2023 od 25 August, has a vacation legis*

od 180 days. So, it will only come into force on 2 February 2024. Until then, the old Labor Law no. 23/2007 of 1<sup>st</sup> August will remain in force. After the new legislation comes into force, employers and employees will have to pay attention to the transitional rules in order to ensure compliance with its provisions.

#### 4.1.1.4 DECREE 45/2009 OF 14 AUGUST

The role of labor inspectors includes: ensuring that the rights of workers representatives within the workplace are guaranteed; ensuring that companies comply not only with the law but with their internal regulations and collective bargaining agreements; overseeing health and safety in the workplace; ensuring appropriate first aid facilities and capacity; ensuring consultation and availability of information and instructions, and training for workers and their representatives; overseeing the legal requirement for professional training and transfer of knowledge by foreign employees to local staff; ensuring compliance with INSS; intervention in labor conflicts.

#### 4.1.1.5 DECREE 5/2016

This legislation provides for procedures for contracting of contractors for public civil works, goods and service provider to the management of such contracts, to claims and appeals. Article 160 on Safety and Discipline on Site is specifically very important and relevant; stipulating that the contracting party should demand a Health and Safety Plan from the contractor; that the contractor is obliged to guarantee safety in the construction site and places of work and should abide by the legislation on health, hygiene and safety in the workplace; the contractor should maintain a reliable signpost signaling system in the construction site and especially where works are being carried out on public roads; and the contractor should ensure discipline and order in the site location and areas of work.

#### 4.1.1.6 DECREE N<sup>o</sup>. 37/2016 OF AUGUST 31<sup>ST</sup>

The Decree approves the Regulation governing the Mechanisms and Procedures for Employment of Foreign Nationals (could be international migrants), with a view to adjust it to current market development challenges, in the light of article 269 of Law No. 23/2007 of 1 August of the Labor Law.

## 4.2 OCCUPATIONAL HEALTH AND SAFETY: DECREE N<sup>o</sup>. 62/2013

This Decree approves the regulation establishing the Legal Regime for Accidents at Work and Occupational Diseases and repeals Legislative Diploma N<sup>o</sup>. 1706 of 19 October 1957. The health and safety of both the public is recognized in this law as of prime concern for all parties involved in road construction activities. Some of the Labor law provisions embedded into Mozambican OHS Decree include:

- a. **Identification of Hazards:** Risks associated with road works include earthworks and excavation, quarrying, filling, compacting, use of heavy machinery and vehicles, hot works, use of hazardous materials such as asphalt, etc. The OSH places emphasis on the need to identify and avoid hazards in work environment to avoid injury and loss of life.
- b. **Training:** The workers employed, will be given opportunity to grow careful focus of employers on training and its related development of capacities and the acquisition of knowledge and facilitating access to employment and to higher occupational levels, with a view to furthering

personal achievement and promoting the economic, social and technological development of the country (Article 238).

- c. **Reporting of incidents:** The employee or another person shall report the occurrence of any work accident or occupational illness, as well as its consequences to the employer and that, health institutions have an obligation to report the death of any injured employee to the employment courts, and to the person whose care the injured employee was in (Article 227).
- d. **Remedies for injuries and death:** All employees shall have a right to reparation in the event of a work accident or occupational illness, except when it results from drunkenness, a drugged state or voluntary intoxication of the victim. The right to reparation by virtue of a work accident or occupational illness presupposes that the employer will endeavor to place the injured employee in a job that is compatible with his or her residual capacity (Article 229 of Labor Law). According to Article 233, when a work accident or occupational illness results in a loss of capacity to work, the employee shall be entitled to:
  - a pension, in the event of permanent total or partial disability; and
  - compensation, in the event of temporary total or partial disability.
- e. **Insurance coverage of all workers:** According to Article 231, employers shall have collective insurance for their employees, for coverage of work accidents and occupational illness. For activities whose characteristics pose a particular occupational risk, enterprises shall have specific collective insurance for employees exposed to that risk (Article 232).
- f. **Workers' welfare i.e., access to canteens, hygiene facilities and areas for rest:** Every work unit employing with 25 or more employees must have in place, arrangements of a dining and rest room with facilities of drinking water. This also ensures employee safety, health and ability to resolve any kind of disputes and unfairness. Employees shall all be registered to Social Security and contributions will be made by both employee and employer in accordance with prevailing legislation.

#### 4.3 THE WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS 2-ESS2

The World Bank outlines the labour and working conditions in its ESS2 – Labour and Working Conditions. The Implementing agency is to promote sound worker-management relationships and provide safe and healthy working conditions for all the workers. The ESS2 applies to all project workers including fulltime, part-time, temporary, seasonal, and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants – as Direct Workers.

To manage the project working conditions and worker relationships, ANE (as an implementing agency) will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS 2. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and contract workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor law and ESS requirements (which will include collective agreements),

including their rights related to hours of work, wages, overtime, compensation, and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.

#### 4.4 GAPS BETWEEN MOZAMBICAN LAWS AND WORLD BANK ESF ON LABOR MATTERS

One of the general difference/gaps between ESS 2 and Mozambique legal framework, is that the World Bank ESS2 defines as a prerequisite for assessment of compliance to the labor laws and this is not a requirement under the Mozambique legal framework. Specifically, the Mozambiquan Labor Act does not specifically require that development projects be assessed and reviewed in terms of labor and working conditions including OHS requirements before approval: and does not require development projects to prepare Labor Management Plans/ Procedure or OHS Plan. The table below define the key conformities between the World ESS2 and the Mozambique legal framework, in which no action would be required during project implementation.

**Table 4-1: Summary of comparison between Mozambican law and World Bank ESS2**

Key elements of ESS2	Provisions in the Labor Act	Actions Planned
Working hours and overtime	Normal working hours shall not exceed forty-eight hours per week and eight hours per day. Normal daily working hours may be extended to nine hours per day. Act has adequate provisions.	No actions required.
Timely payment	Workers' wages must be paid before the expiry of the last day of the wage period.	No actions required.
Equal Opportunity and Non-discrimination	The law contains significant provisions prohibiting discrimination based on sex and disability, including equal wages for equal work.	No actions required.
Prevents use of all forms of forced labor and child labor	Defined normal working hours of minors between the ages of 15-18 years <sup>8</sup> shall not exceed thirty- eight hours per week, up to a maximum of seven hours a day. All forms of forced and child labor are banned.	No actions required  It is line with ESS2 and ILO Standards, defining very specific conditions to employment of children at the minimum age before 18 years. Failure to meet the labour and working conditions, all employers must not employ children under 18 years on CRRNP.
Worker rights	The Act has adequate regulatory provisions. The law provides for regular leave days and benefits: the employer must provide reasons for termination.	No actions require

<sup>8</sup> The national law defines the employment minimum age as 15 years, and the Internally recognised age of children is up to 18 years. So the defined normal working hours of minors between the ages of 15-18 years is a gap between the minimum and maximum which comes with specific labour and working conditions for that age.

<b>Safety and Protection of Workers</b>		
Occupational Health and Safety (OHS)	OHS is comprehensively provided in the law. It also empowers the Department of Labor to conduct inspections of establishments and to impose penalties for violations or noncompliance.	No actions required. Where emergency situations occur, the World Bank emergency guidance and national provisions will be considered and followed.
Women	The law defines that female employee shall be entitled to maternity leave of sixty consecutive days, which may commence twenty days prior to the expected delivery date, and which may be enjoyed consecutively.	No actions required
Children at Working Age	The law requires the employer to take responsibility. Thus, employers shall, in conjunction with the relevant trade union body, adopt measures aimed at affording all minors working conditions that are appropriate for their age, health, safety, education and vocational training and preventing any damage to their physical, psychological, and moral development.	No actions required
Freedom of association and collective bargaining.	The law allows employees to form associations in accordance with the Act.	No actions required
Access to grievance redress mechanism	<p>a. In general, there is institutional GRM for labor in Mozambique as per the standards/ provisions of the Bank's ESS2.</p> <p>b. Employees can seek direct civil law redress from the Labor Courts for complaints regarding terms and conditions employment and wages: while health and safety, maternity welfare and child labor offences are subject to criminal prosecution.</p>	The LMP incorporated necessary provisions and actions.
Person with Disabilities (PWD)	The Act provides for rights to non- discrimination.	No actions required
Migrant workers	Migrant workers have the same rights, opportunities, and duties as other workers in the foreign countries where they work, within the framework of governmental agreements signed on the basis of independence, mutual respect, reciprocal interests and harmonious relations between the respective peoples.	No actions required
Contracted workers	In case where the wages of a worker employed by a contractor are not paid by the contractor, the act has adequate provisions to resolve this matter.	No actions required

Community workers	The labor law does not recognize community workers as defined in the ESS2 and hence does not provide any special considerations for such contracting arrangements. The law requires that all labor supply contracting entity will have to be formally registered and workers should first be the responsibility of the contracting entity.	No actions required.  Note that no community workers will be involved in this project. All workers hired and paid under contractor are termed as Contracted Workers.
Supplier/supply workers	The law does not assign any responsibility to the project on supplier's laborers and their working conditions. Workers of suppliers will have to be the responsibility of the suppliers.	The LMP incorporated necessary provisions and actions.
Migrant workers	Migrant workers have the same rights, opportunities, and duties as other workers in the foreign countries where they work, within the framework of governmental agreements signed on the basis of independence, mutual respect, reciprocal interests and harmonious relations between the respective peoples.	No actions required

**4.4.1 INTERNATIONAL LABOR ORGANIZATION (ILO) AND UNITED NATIONS (UN) CONVENTIONS**

Mozambique is a signatory to International Labor Organization (ILO) and United Nations (UN) Conventions. Such being the case, most of the provisions in the ILO Conventions are incorporated in Mozambique’s labor related legislation. These include:

- a. ILO Convention 87 on Freedom of Association and Protection of the Right to Organize;
- b. ILO Convention 98 on the Right to Organize and Collective Bargaining;
- c. ILO Convention 29 on Forced Labor;
- d. ILO Convention 105 on the Abolition of Forced Labor;
- e. ILO Convention 138 on Minimum Age (of Employment);
- f. ILO Convention 182 on the Worst Forms of Child Labor;
- g. ILO Convention 100 on Equal Remuneration;
- h. ILO Convention 111 on Discrimination (Employment and Occupation).
- i. ILO Convention 155 on Occupational Safety and Health
- j. ILO Convention 187 on Promotional Framework on Occupational Safety and Health
- k. ILO Convention 190 on Violence and Harassment at Work

## 5 RESPONSIBLE STAFF

### 5.1 ROAD FUND AND ANE, IP

The RF will be the implementing agency and the ANE the lead executing agency. The RF will be responsible for coordination with ANE, IP and other agencies, monitoring, financial management, and auditing of the project resources. ANE, IP will oversee execution of works, including procurement, safeguards, and engineering. ANE, IP in collaboration with Provincial and District labor and social security offices will assume overall responsibility for management of workers in the Project. Specifically, ANE, IP through the PIU will be responsible for the overall project management and the implementation of this LMP. The Unit will work with various stakeholders including Ministry of Public Works, Housing and Water Resources, Ministry of Labour and Social Security and all relevant Provincial Directorates and District Departments as well as communities to implement the LMP in compliance with national laws.

The PIU will be responsible for the following tasks:

- a. Undertake the overall implementation of this LMP;
- b. Engage and manage consultants in accordance with this LMP and the applicable Government procurement procedures;
- c. Monitor project consultants to ensure their activities are included in the LMP and the applicable procurement documents;
- d. Provide training to mitigate risks to project workers;
- e. Ensure that the Ministry's GRM for staff and consultants is enforced;
- f. Ensure that all the workers are informed about the broader Project GRM and how to report a grievance; and
- g. Monitor and report to World Bank.

### 5.2 LMP KEY IMPLEMENTATION PLAYERS

However, implementation of the CRRNP will be done in collaboration with several other stakeholders at national, provincial, district and community levels. These stakeholders will also be expected to assist and even report on any risks/impacts in management of Project's workers within their areas of jurisdiction. Thus, successful management of Project workers requires clear definition of roles and responsibilities of key players and stakeholders. The following have been identified as key players in the implementation of this LMP:

#### 5.2.1 ENVIRONMENTAL AND SOCIAL (E&S) RISK MANAGEMENT SPECIALISTS

The E&S risk management specialists will include the following: Environmental Specialists, Occupational Health and Safety Expert, Social/Resettlement Specialists, GBV/SEA/SH/VAC Specialist, Road Safety Specialist, Security Specialist; both at the PIU, Provincial and District. The Environmental and Social Risk Management Specialists at the Roads Authority will ensure implementation and adherence to ESMP and mitigation measures and E&S safeguard measures. Specifically in collaboration with Ministry of Labor, Employment and Social Security, with similar Directorates/Departments at the Province and District respectively will support and be responsible for:

- a. Implementing Labor Management Procedures;

- b. Preparing necessary guidelines for all operations including documentation forms needed;
- c. Monitoring of implementation of approved site-specific Labor Management Procedures;
- d. Monitoring implementation of the Worker's Code of Conduct.
- e. Building capacity of all relevant stakeholders including contractors in labor management issues including LMP;
- f. Provision of expert advice on labor management;
- g. Carrying out enforcement and monitoring role as stipulated by law;
- h. Carrying out periodical review of employment and working conditions;
- i. Monitoring and supervising contracted service providers to ensure that they manage their workers pursuant to the agreements in the contract;
- j. Handling grievances that have not been resolved by Workers Grievance Redress Management (WGRMC); and
- k. Monitoring and reporting to the World Bank on the progress of implementation of LMP of CRRNP on at least a quarterly basis.

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#### 5.2.2 SUPERVISING ENGINEERS/ CONSULTANTS

The Supervising Engineer/consultants' Occupational Health and Safety (OHS) Specialist hired for the implementation of CRRNP will be responsible for:

- a. Overseeing the implementation of the ESIA/ESMP by the contractor and other contracted agencies
- b. Reviewing and approving method statements, to ensure that the EHSS specifications contained within the Project Environmental and Social Impact Assessment (ESIA), Constructor Environmental and Social Management Plans (CESMPs), and the Contracts are adhered to;
- c. Monitoring and verifying that Environmental, Health, Safety and Security (EHSS) impacts are prevented or kept to a minimum.
- d. Monitoring the undertaking by the Contractor of EHSS awareness training for all new hired workers on site during construction and for maintenance activities;
- e. Ensuring that activities on construction site comply with all relevant EHSS legislation and contract(s);
- f. Undertaking a continual internal review of the CESMP and submitting any changes to ANE, IP and/or institution in charge of environmental protection (Environmental Authority – for Mazambique)
- g. Checking the register of EHSS complaints maintained and ensuring that the corrective actions are/were taken in response to these complaints;
- h. Checking that the required actions are/were undertaken to mitigate the EHSS impacts resulting from non-compliance during implementation of the project works;
- i. Conducting monthly EHSS performance audits in respect of the activities undertaken relating to the project;
- j. Providing feedback on any EHSS risk issues at site meetings; Compiling Monthly, Quarterly and End of the Project EHSS Reports; and
- k. Monitoring and reporting all incidences of EHSS non-compliance to the Management of ANE, IP and World Bank.

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### 5.2.3 CONTRACTORS

The Construction Contractors hired for the project civil workers will be responsible for:

- a. Employ or appoint qualified environmental, social, occupational health and safety expert(s) to manage OHS issues
- b. Ensuring protection of workers in line with the national labor laws:
- c. Creating awareness to workers on their roles including health and safety measures
- d. Provision of adequate and appropriate PPE to all workers.
- e. Maintaining records of recruitment and employment of workers;
- f. Communicating terms and conditions of employment to all workers;
- g. Bringing awareness to workers on established Workers Grievance Redress Mechanism (GRM) and its operating procedures;
- h. Providing induction (including social induction) and regular training to employees on labor protection requirements, including training on their rights under Mozambique labor laws, risks of their jobs and measures to reduce risks to acceptable levels;
- i. Developing and implementing the workers' Code of Conduct;
- j. Ensuring that all construction workers understand and sign the CoC, prior to the commencement of works and services, Supervising Workers compliance with CoC; and establishing and diligently operating the workers GRC;
- k. Recording, processing, and reporting grievances: and incidences;
- l. Recording and reporting all occupational accidents to relevant authorities;
- m. Require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues, and risks of equity and discrimination for primary supply workers;
- n. Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, take all other measures to address risks of sexual exploitation and abuse (SEA)/sexual harassment (SH) as specified in the contractor's LMP/ESMP and supervise compliance with such measures; and
- o. Monitor and report to PIU on labor and occupational health and safety performance to PIU.

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### 5.2.4 SERVICE PROVIDERS

Where specific service providers will be hired for the areas below will be responsible for:

- a. Providing HIV/AIDS, GBV, SH, VAC, SEA, and child labour training to the members of the project and those responsible for enforcing compliance. All Contractor's employees will be required to attend trainings and awareness on these social issues at least once a month or as may be planned.
- b. Preparation of a HIV/AIDS, GBV, SH, VAC, SEA, and child labour action plans and monitoring of their implementation. The action plans will define schedules of awareness campaigns and trainings;
- c. Conducting HIV/AIDS, GBV, SH, VAC, SEA, and child labour mobilization and awareness campaigns for community members and immediately reporting any issues and/or cases related to these social aspects. Should there be a HIV/AIDS, GBV, SH, VAC, SEA, and child labour case, the reporting channels for this Service Provider will automatically open to report directly to the World Bank.
- d. Monitoring and preparing monthly and quarterly progress reports on the implementation of HIV/AIDS, GBV, SH, VAC, SEA, and child labour action plans in the project. Evidence for Change

will submit their reports to Roads Authority who will share them with the Consultant and Contractor for their information and action where applicable.

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#### 5.2.5WORKERS

Every worker shall co-operate with the management/consultant/Contractor to enable smooth implementation of this LMP, undertaking the following:

- Taking reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions at work;
- Wearing PPE and always following safe work environment procedures;
- Comply with ESMP requirements in carrying out their work;
- Carrying out any lawful order given to them, and obey the rules and procedures that are laid down in this LMP and other applicable law;
- Not operating any machine or engage in a process for which is not authorized, not competent or which is unsafe or is an imminent risk to the employee's own health or safety and that of others;
- By following accident and incident reporting procedures, report, any accident, or any situation which is unsafe or unhealthy through the established channels for prompt action;
- Not intentionally or recklessly interfering with or misusing anything provided in the interests of their health, safety, or welfare and that of others;
- Reporting on occupational health and labour related incidences and grievances to the established Workers GRC; and
- Complying with all the project labour and occupational health and safety requirements.

## 6 POLICIES AND PROCEDURES

Where significant safety risks have been identified as part of Section 2, this section outlines how these will be addressed. Where the risk of forced labor has been identified, this section outlines how these will be addressed (see ESS2, paragraph 20 and related GNs). Where risks of child labor have been identified, these are addressed in Section 7. Where the Borrower has stand-alone policies or procedures, these can be referenced or annexed to the LMP, together with any other supporting documentation.

### 6.1 GENERAL POLICIES AND PROCEDURES

All employers with labor assigned to the Project or subproject must:

- a. Know and comply with the legal provisions regarding employment and labor, including child labor, and technical and regulatory standards in force;
- b. Know and comply with the laws regarding the health and safety of workers;
- c. Have personnel responsible for human resources management and labor relations;
- d. Document and provide each worker, upon being hired, in a clear and understandable manner, with information regarding their rights under labor legislation, including rights to wages and benefits;
- e. Respect the terms of collective agreements and the right to organize freely; and
- f. Document, disseminate and keep visible to workers (on notice boards/strategic locations):
  - The Code of conduct
  - The channels for filing labor and employment complaints
  - Internal regulations or similar documents that clarify: Hours (in, out and daily breaks); weekly and monthly workload, requirements for overtime benefits, weekly rest and vacation entitlements, sanctions in place (e.g., in case of unjustified absence), etc.
- g. In accordance with the principle of equal opportunity, gender promotion, and fair treatment, do not do and do not tolerate discrimination in any aspect of the employment relationship (recruitment, hiring, compensation, working conditions and terms of employment, training, promotion, contract termination, and discipline).
- h. Provide an easily accessible complaint mechanism for workers and their organizations, independent of other legal remedies, to express their concerns about working conditions, with a guarantee of feedback to complainants, without any retaliation.

As per the Labor Law (as specified/presented in section 4 above), employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to workers insurance, access to training, promotion, or termination of employment.

The project implementation will be directly by contractors and most environmental and social impacts of subprojects resulting from construction activities will be implemented/mitigated under the control of contractors. Therefore, ensuring effective contractors management to ensure that E&S risks and impacts are effectively mitigated must be a core approach and responsibility of ANE, IP; the Supervision Engineers and the Contractors to be hired.

To ensure that the E&S measures are adhered to at the bidding process, ANE will incorporate standardized environmental and social clauses in the tender documentation and contract documents. This will inform potential bidders the environmental and social performance requirements that shall be expected from them, which must be reflected in their bids, and the requirement to implement the clauses for the duration of the contract. ANE through its Supervision Engineers will enforce compliance by contractors with these clauses.

The contractor is required to ensure all documentation related to environmental and social management, including the Contractor's Environmental and Social Management Plan (C-ESMP) and any labor management related documents, are available for inspection at any time by RF/ANE, IP appointed agents/staff, as a core contractual requirement. The contractual arrangements with each project worker will be clearly defined in accordance with national law. All environmental and social requirements will be included in the bidding documents and contracts highlighting the environmental and social instruments.

RF, ANE, IP; Contractors, suppliers, or sub-contractors, will, in no circumstance, engage in child labour, trafficked labour and/or forced labour.

Child labour is often defined as work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. It refers to work that:

- a. is mentally, physically, socially, or morally dangerous and harmful to children; and/or
- b. interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.
- c. Whether or not particular forms of "work" can be called "child labour" depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The various labour laws in the various countries (including Mozambique in this case) will define forms.

<https://www.ilo.org/ipec/facts/lang--en/index.htm>

Forced labor includes bonded labor (working against an impossible debt), excessive limitations of freedom of movement, excessive notice periods. It also involves retaining the worker's identity or other government-issued documents or personal belonging, imposition of recruitment or employment fees payable at the commencement of employment, loss or delay of wages that impede the workers' right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security or other personnel to force or extract work from project workers, or other restrictions that compel a project worker to work on a non-voluntary basis. This would be against the national labour law and ESS2.

## 6.2 OCCUPATIONAL HEALTH AND SAFETY

Mozambique's Labor laws as well as its Constitution make clear provisions on Occupational Health and Safety (OHS). Accordingly, any employer who engages workers is required by law to ensure that it meets occupational safety and health requirements which will be checked by the relevant Ministry. The labor laws further stipulate various conditions which must be applied to ensure occupational health and safety. In the case of occupational injury, employers are not to deduct the costs related to

such injuries from the employee's wages. Necessary precautions shall be taken against the hazards of excessive light, noise, vibration, variation in atmospheric pressure inside the workplace, including any risk of explosion. Therefore, implementation of the CRRNP will observe the following rules:

- a. Workplace health and safety conditions shall be maintained in conformity with occupational safety and health requirements;
- b. Workplaces shall be properly ventilated and adequately lighted during working hours;
- c. The necessary precautions shall be taken to protect workers from such damage to their health as may be caused by gas, dust, smoke or any other emissions or waste likely to be discharged;
- d. The necessary precautions shall be taken to protect workers against the hazards of equipment and machinery, including any risks of collapse;
- e. The necessary precautions shall be taken against natural hazards and damage, including health, humidity and cold;
- f. The necessary precautions shall be taken against the hazards of excessive light, noise, and any risk of explosion;
- g. Easily accessible lavatories and washrooms shall be provided, and separate lavatories and washrooms shall be provided for women workers;
- h. An adequate and easily accessible supply a resting area/restauration shall be provided for the worker's use;
- i. An adequate and easily accessible supply of drinking water shall be provided for the worker's use;
- j. The necessary precautions shall be taken to deal with fires and provide fire-fighting equipment, including emergency exits, which shall be maintained in always working order;
- k. Accidents and occupational diseases shall be recorded in a register and notified to developer/employer within 24 hours;
- l. There will be no deduction of any amount from their wages in consideration of:
  - The provision of protective devices, equipment, and clothing to protect workers from exposure to occupational injuries and diseases.
  - Any allowances granted to workers for working in conditions harmful to their health, or any meals provided to them in compliance with occupational safety and health requirements.
  - Expenses incurred on account of workers' medical examinations, regular or otherwise, as necessitated by occupational safety and health requirements.
  - The provision of First Aid equipment at the workplace. In addition, employer/s are required under the law to ensure workers will use basic safety gears, receive basic safety training and other preventive actions.

RF/ANE, IP is also committed to undertaking the following:

- a. Conforming to and observing the requirements of the national and other applicable legislations, which relate to the occupational health and safety hazards.
- b. Providing an enabling environment that facilitate active participation in OH&S risks elimination through promotion of appropriate skills, knowledge, and attitudes towards hazards.
- c. Continually improving the OH&S management system and performance throughout the project period.
- d. Consistently communicating this policy statement to all persons working under CRRNP with emphasis on individual OH&S responsibilities.
- e. Disclosing this policy statement to all interested parties in project facilities and sites.

In respect to the implementation of the project, all employers with labor assigned to the Project or subproject must:

- a. Ensure that an appropriate level of management and resources are in place to comply with the occupational health and safety requirements,
- b. Provide visible commitment and leadership to occupational health and safety,
- c. Provide workers with a safe and healthy work environment that considers the inherent risks of their sector and the specific hazard classes of work areas;
- d. Take steps to prevent accidents and illness resulting from, associated with, or occurring during work, in accordance with good practices that include: identifying potential hazards to workers, especially those that may be life-threatening;
- e. Making available preventive and protective measures, including the modification, substitution or elimination of hazardous conditions or substance;
- f. Provide worker training;
- g. Document and publicize accidents, occupational illnesses, and incidents;
- h. Have an organization for emergency prevention, preparedness, and response;
- i. Providing the Individual Protection Equipment (PPE) inherent to the risks of the activities;
- j. Verifying continuous use of PPE during work;
- k. Promoting awareness/awareness campaigns on HIV/AIDS, and sexually transmitted infections (STIs) and making condoms available free of charge to direct and indirect employees of the works;
- l. Raise awareness of GBV among all workers to disseminate risks and preventive actions, ways to support and ensure a fully operational GBV grievance redress mechanism that responds confidentially to incidents and uses a survivor-centered approach with safe and ethical reporting standards;
- m. Maintain the best possible conditions that ensure quality of life and sanitation in employee support facilities, such as living areas, cafeterias, toilets and locker rooms at the construction site, they need to be gender sensitive and commensurate in the right ratios in relation to the workers;
- n. Have drinking water in the amount that corresponds to what is necessary, as well as sanitary sewage devices, such as septic tanks;
- o. Inform the contractor and the competent agencies, in compliance with the legal regulations, of all accidents, incidents, and fatalities associated with the works or involving local communities, covering the safety of the workers and the public, and providing immediate assistance, as needed, to the injured and their families;
- p. Have a first-aid team on the construction site (when applicable), with the necessary conditions to provide first aid to workers, according to the legislation in force in Mozambique

CRRNP through RF/ANE, IP as well as the project Supervision Engineer and Contractors, will have a designated OHS specialists for project implementation. At all times, the Specialist will:

- a. Identify potential hazards;
- b. In collaboration with the employer, investigate the cause of accidents at the workplace;
- c. Inspect the project sites, workplaces including plants, machineries, and substance, with a view to ascertaining the safety and health of employees and accordingly report/inform the employer or Safety and Health Committee the purpose of the inspection and the outcome;
- d. Work in close collaboration with the inspectors carrying out the inspector's duties in the workplaces;
- e. Convene and attend meetings of the safety and health committee

- f. Subject to bullet below, make recommendations to the employer in respect of safety and health matters affecting employees, through a safety and health committee; and
- g. Where there is no safety and health committee, the safety and health representatives shall make recommendations directly to the employer in respect of any safety and health matters affecting the employees.
- h. Identify and evaluates risks and normalizes the activities (rules, instructions, and procedures),
- i. Analyze all incidents and accidents and carry out the medical follow-up of the workers after incidents.
- j. Evaluate the indicators of OHS performance,
- k. Carry out the internal audits of OHS MS, an evaluate the OHS training requirements,

### 6.3 LABOUR INFLUX AND GENDER BASED VIOLENCE

Contractors will include measures concerning the labour planning and utilization in the project C-ESMPs. This will include any special plans required to manage labor influx or management of labor camps. The C- ESMPs will be developed and submitted to ANE for approval and the World Bank for clearance before the start of civil works.

Contractors will also develop and use a code of conduct (CoC) that will be signed by all employees. The CoC commits all persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC shall include sanctions for noncompliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and abuse, and sexual harassment (e.g., dismissal). The CoC shall be translated into whatever vernacular language required for clear understanding and signed by each worker to indicate that they have:

- a. received a copy of the CoC as part of their contract;
- b. had the CoC explained to them as part of induction process;
- c. acknowledged that adherence to this CoC is a mandatory condition of employment;
- d. understood that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities.

The contractors will display a copy of the CoC in a location easily accessible to the community and project affected people. It shall be provided in all languages required. Contractors shall also address the risk of gender-based violence, through:

- a. Mandatory training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women. Training may be repeated;
- b. Informing workers about national laws that make sexual harassment and gender- based violence an offence that is punishable
- c. Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence.
- d. Including measures related to SEA/GBV/SH, VAC risk mitigation in their C-ESMP
- e. As a appropriate, hire SEA/GBV/SH, VAC service providers to implement the relevant activities for mitigation of the risk.
- f. Putting in place a workers' Grievance Redress Committee that will also capture the complaints/issues associated to SEA/GBV/SH, VAC.

The contractors will put in place an arrangement to capture gender-based violence, sexual exploitation, and workplace sexual harassment related complaints/issues. The mitigation of SEA/GBV/SH risk will be assigned to a designated Officer or/and a service provider who shall identify and engage the relevant stakeholders on SEA/GBV/SH issues and implement the activities accordingly. The contractor will also ensure that the related issues/measures that are highlighted in the bidding document, the POM and in the ESIA/ESMP will be followed. RF/ANE, IP will periodically monitor the labour influx and SEA/GBV/SH risks to ensure that employees are treated fairly. For clarity and fair hiring of workers, the following will guide the process:

- a. Recruitment procedures should be transparent, public, and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability, or gender.
- b. Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- c. Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- d. All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- e. Unskilled labor will preferentially be recruited from the surrounding communities.
- f. Employees will be informed at least two months before their expected release date of the coming termination.
- g. The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- b. Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the language that is understandable to both parties.
- c. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- d. All Foreign workers/International migrants will require work permits, which will allow them to work in the Republic of Mozambique.
- e. All workers will be 18 years old and above for civil works, which will be a requirement highlighted in ANE, IP's contracts with civil works contractors.
- f. Normal working time should not exceed 48 hours per week and eight hours per day. The duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

## 6.4 SECURITY MANAGEMENT

### 6.4.1 SECURITY RISKS

The project is to be implemented in one of the provinces of Cabo Delgado which is facing internal conflicts with terrorist attacks creating perpetual fears of insecurity, which might affect the project implementation in the province especially in the actual areas of conflict. RF/ANE, IP and its parent ministry will work closely with the Ministry of Defense to ensure the security of the workers and the assets (e.g., equipment) involved in construction of the project. The project will continue to consult

and use any public information regarding insecurity incidences in areas, including planned visits during field and monitoring activities.

As part of the preparation, the project has also developed a Security Management Plan (SMP) that will guide the management of security risks in the Project areas. All project workers will be sensitized on the provisions of the SMP. All the relevant security stakeholders and agencies at the Province, District and community in the affected Province of Cabo Delgado will be involved to support a safe implementation of the project to the end.

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#### 6.4.2 USE OF SECURITY PERSONNEL

The following measures shall be adopted, to ensure that the engagement of security personnel for provision of security to Project workers, sites and/or assets:

- a. Assess the risks and impacts of engagement of the security personnel, as part of the Security Management Plan and implement measures to manage such risks and impacts, guided by the principles of proportionality and Good International Industry Practice (GIIP), and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such security personnel as well as protecting the workers on the project sites;
- b. Adopt and enforce standards, protocols, and codes of conduct for the selection and use of security personnel, and screen such personnel to verify that they have not engaged in past unlawful or abusive behavior, including terrorism, sexual exploitation, and abuse (SEA), sexual harassment (SH) or excessive use of force;
- c. Ensure that such personnel are adequately instructed and trained, prior to deployment and on a regular basis, on the use of force and appropriate conduct (including in relation to civilian-military engagement, SEA and SH, and other relevant areas);
- d. Ensure that all workers in the affected regions are continuously made aware of the security and its impacts as well as the mitigation measures. Scheduled awareness activities should be planned and offered.
- e. Ensure that the stakeholder engagement activities under the Stakeholder Engagement Plan (SEP) include a communication strategy on the involvement of security personnel under the Project;
- f. Ensure that any concerns or grievances regarding security concerns and the conduct of security personnel are received, monitored, documented (considering the need to protect confidentiality), resolved through the Project's grievance mechanism and reported to the Bank no later than 10 days after being received.
- g. The Security Management Plan developed by ANE, IP PIU will be continuously updated to include risks associated with the security on labour management.

#### 6.5 INCIDENT MANAGEMENT AND INVESTIGATION

To reduce the risk of incidents resulting from human error as an underlying factor, project teams shall be provided with awareness sessions on incident reporting, management and preventive actions provided by the Project. Emphasis shall be on emergencies like injury, accidents with a lot of emphasis on near misses and Lost Time Incidents, sexual abuse, and exploitation, among others as per incident management plan.

Any severe injury (requiring off-site medical care) or fatality incident shall be reported to the Bank within 48 hours with basic information and a detailed incident report will be submitted as soon as possible, preferably within 10 working days including but not limited to the following (as appropriate):

- a. root cause analysis.
- b. corrective action plan on:
  - immediate mitigation measures in case of continuing danger (e.g., fencing, signboard, guards);
  - compensation to the affected family based on a clear rationale;
  - risk assessment and correct application of Environmental Social and Health Systems (ESHS) management procedures, and
  - Medium- and long-term mitigation measures including enhancement of safety measures, audits, and additional training.
- c. Progress monitoring and reporting

## 6.6 VULNERABILITY DUE TO HOSTILE WEATHER CONDITIONS AND INSECURITY

Part of the project area (Parts of Cabo Delgado) is considered to be in an area vulnerable and cut off due the hostile weather impacts and terrorist/conflict activities. Therefore, communities inhabiting affected areas in Cabo Delgado are considered vulnerable and marginalized as per the criteria of the World Bank Environmental and Social Framework. Therefore, consultations of these communities in this province should consider the conflict and weather-related vulnerability and marginalization.

Decisions relating to the employment or treatment of project workers will not be made on the basis of situational vulnerability of the area and the people unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.

The project shall comply with the Mozambique labour law on gender equality in the work place, which will include provision of maternity and sick leave. There will also be sufficient and suitable toilet and washing facilities, separate from men and women workers. The contracts with third parties will include these requirements, which will also be part of the monitoring system. The (forthcoming) recruitment forms will provide for parameters that can be used to interpret employment information for vulnerable groups including marginalized communities. All employers including Contractors for CRRNP will take into consideration of these vulnerabilities including promoting women's employment.

Under component 3 – Project Strengthening and Management the project partly proposes to .... undertake the ... (vi) study on facilitation of public private partnerships in road rehabilitation and maintenance; (vii) development of community resilience committees led by women to support emergency preparedness and response; and (viii) promotion of women's employment in the road sub-sector. Effort will be made to incorporate a skills development and livelihoods sub-component to provide opportunities for conflict-impacted local labour in the road works. This component promotes consideration to vulnerable groups.

## 6.7 TRAINING OF WORKERS

All workers will be briefed and/or sensitized on Accident/Hazard avoidance, security, STDs, GBV, SEA, SH, VAC, employment discrimination, terms and conditions of employment, Code of Conduct (CoC), etc. There will be training sessions of direct workers, contract workers and sessions of primary supply workers (if/as applicable) in different project activities and sites.

The training of workers on Occupational Health and Safety (Hygiene, Risk assessment and management, Accident/Hazard avoidance, security, STDs, GBV, SEA, SH, VAC, etc.) will be the responsibility of the contractor in collaboration with relevant institutions such as Ministry of Labor, Employment and Social Security/Ministério do Trabalho e Segurança Social; Ministry of Defense / Ministério da Defesa and relevant Provincial and District governments, Provincial Directorate of Gender, Children and Social Action / Direcção Provincial do Género, Criança e Acção Social, Provincial Environmental Services (SPA) / Serviços Provinciais de Ambiente, Provincial Health Directorate / Direcção Provincial de Saúde, Provincial Directorate of Occupational Safety and Health services, Ministry of Health, National Aids Control Council (NACC), and other relevant ministries/Directorates and stakeholders in the provinces where the projects will be implemented.

## 7 AGE OF EMPLOYMENT

According to the Mozambican Republic labour law, the minimum age of employment is 15 years with clear conditions; and anyone under 18 years of age is prohibited from performing employment unless the conditions of the minimum age are met. Employers usually do not in place the requirements for employing children under their minimum age. The labour law provides special requirements for leave, work hours, and other conditions of employment for those eligible. Under CRRNP, in order to align with ESS2, without breaching the law and conditions of employing a child at the minimum age, no employment will be offered to persons under 18 years. The employer/contractor will ensure that all construction workers employed are above 18 years.

The project shall not hire anyone less than 18 years of age. To prevent engagement of under-age labor and failure to meet the labour law conditions of minimum age; all contractors and primary suppliers shall have contractual provisions that will include compliance with the minimum age requirements (15 years of age in Mozambique) including penalties for non-compliance in-line with the relevant laws.

The engagement of project workers between the age of 15 and under 18 years may be allowed only for non-hazardous work that would not interfere with the child's education (subject to prior risk assessment and regular monitoring on health and safety conditions, hours of work and any other aspects) in accordance with ESS2. To prevent engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. The contractor is required to maintain labor registry of all contracted workers with age verification.

There will be regular monitoring of the workforce and if a child is discovered on the team of workers, the Contractor shall be penalized while the child will be asked to stop working without punishment.

In a case a minor (under the minimum labour eligible age) is exposed working on the project, prompt measures will be taken to instantly terminate the employment and in a responsible way engage with the affected minor. The termination and engagement will consider the best interest of the minor.

All contractors involved in CRRNP will be required to identify and verify the age of all construction workers to be hired on the project operation – prior to the engagement. The verification labour checks relating to indicative age for the potential workers will require provision of official documentation, including (but not limited to):

- i) national identification card,
- ii) a birth certificate,
- iii) medical or school record.
- iv) passport,

Verification of the age of employees shall be fully documented for any future checks and references. For vulnerable groups including workers from the conflict affected areas who may not have ID cards and/or passports, a verification by a recognized local leader will suffice to engage him/her. The identification and verification of the minimum age procedure and mitigation measures to be taken in case of a potential occurrence will follow the Mozambiquan labour law and as per ESS2 guideline.

Contractors are required by law, to post conditions of work in conspicuous places informing workers of their rights and conditions of work. A subcontractor shall be bound to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions. Contractors and subcontractors shall recognize the right of their workers to be members of the trade unions.

## **8 TERMS AND CONDITIONS OF EMPLOYMENT**

The terms and conditions of employment are governed by the Mozambique Labor Act. The Act makes it mandatory for employers to give its employees a copy of the written particulars of employment, signed by both parties. By and large, the contractors will be required to provide all its employees with written particulars of employment. Contractors will also be required to comply with the most current regulation of wages which is issued by the Government and reviewed on a regular basis. The order specifies the minimum wages, hours of work, overtime pay, leave entitlements, and the issue of protective clothing.

The Contractor's Environmental and Social Management Plan (C-ESMP) will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will, at a minimum, follow this Labor Management Procedure, the Mozambique Labor Law and the specified in the standard contracts to be used by ANE, IP.

### **8.1 BACKGROUND CHECKS DURING EMPLOYMENT ENGAGEMENT**

The law stipulates and guides several issues regarding background checks at hiring of employees. Regarding the status of Employees; the employers must confirm the nationality and immigration

status of all employees at recruitment. Regarding checks of criminal records; under the Labor Law, when appointing an employee or during an employment agreement, employers cannot require the employee to provide information about his or her private life (including his/her criminal record), except where the law or nature of the job so demands. If this is the case, the employer must provide the employee with the reasons for this in writing beforehand.

## 8.2 NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The recruitment of project workers will be free from any kind of discrimination as provided for by the Law regulating Labor in Mozambique. Article 4 of labor law provides for among other principles, the principle of the right to work, of employment stability and job stability, of change in circumstances and of non-discrimination on grounds of sexual orientation, race or HIV/AIDS. Every employer must pay employees equal salary for work of equal value without discrimination of any kind.

## 8.3 EMPLOYMENT CONTRACTS

The project, subcontractor, and assignees of contracts shall pay rates of wages and observe hours and conditions of employment which are not less favorable than those established in Mozambique. Contractors and sub-contractors shall be certified according to the Government Requirements for governmental contractors including certification that the wages and conditions of employment of all those employed by the contractor in the industry in which the contractor is seeking to contract with the Government are fair and reasonable.

The contracts will be guided by the principle of collective bargaining applicable and where there is no minimum wage or rates established in the country, the guiding principle will be of fair wages and reasonable rates commensurate with governmental minimum wage and similar established rates and conditions.

The contractor shall keep proper wage records and time sheets for all those employed in relation to the execution of the contract, and the contractor shall produce the wage records and timesheets for the inspection of any person authorized by the project or the Labor authorities in Mozambique.

Contractors are required by law, to post conditions of work in conspicuous places informing workers of their rights and conditions of work. A subcontractor shall be bound to conform to the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions. Contractors and subcontractors shall recognize the right of their workers to be members of the trade unions.

## 8.4 FORMAL EMPLOYMENT AGREEMENT

All employers are required to enter into an employment agreement in writing with their employees. The duration of a Mozambican worker's contract shall be considered unlimited unless otherwise specified by agreement between the two parties. Upon signing a contract of employment, a worker may be subject to a probationary period not exceeding six months with the same employer, to be stipulated in the contract. It shall be forbidden to employ a worker on probation more than once for the same job.

The Constitution equally addresses the entitlements and guarantees accorded to workers, employers and the unions, and exercisable by them within the country's employment regime. These entitlements are anchored on key human rights and freedoms including the right to human dignity; freedom from all forms of slavery, servitude and forced labour; and the right of everyone to have their privacy respected. The Constitution further echoes provisions for non-discrimination provides for equality and prohibits discrimination on various grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

#### 8.5 MINIMUM WAGE

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

In accordance with article 108 of the 2007 Labor Law, minimum wage is set by the government in consultation with the Consultative Commission on Employment. The minimum wages are revised each year in April. The minimum wage in Mozambique is set differently for eleven (11) different sectors – Refer to Annex 2 (14.2)

#### 8.6 HOURS OF WORK AND REST PER WEEK

The Act in Article 85 provides the limits on normal working hours. It states the following: Normal working hours shall not exceed forty-eight hours per week and eight hours per day. Without prejudice to the provisions of the preceding paragraph, the normal daily working hours may be extended to nine hours per day, provided that the employee is given an extra half day of rest per week, over and above the weekly day of rest. Under collective labor regulation instruments, normal daily working hours may be increased in exceptional cases by up to a maximum of four hours, provided the weekly working time shall not exceed fifty- six hours. Only exceptional work and overtime performed for reasons of force majeure shall not count towards this limit.

All employees are entitled to a weekly rest period of at least twenty consecutive hours on a day that is normally Sunday (Article 95). The weekly day of rest may be on a day other than Sunday in the following cases for:

- a. employees who are required to ensure the continuity of services which cannot be interrupted;
- b. employees in establishments engaged in sales to the public or the provision of services;
- c. staff that perform cleaning services or preparatory or complementary work that should be carried out on the rest day of the other employees;
- d. employees whose activity should, by its nature, be performed on Sundays.

#### 8.7 HOURS OF WORK

Project employees are prohibited from working more than 9 hours per day inclusive of lunch and rest periods. Among other international labor organization conventions, Mozambique has ratified the Hours of Work (Industry) Convention (1) and the Weekly Rest (Industry) Convention (14). Accordingly, the Labor Law provides that normal working hour cannot exceed eight hours per day and 48 hours per week. The maximum number of hours that an employee works per day may be increased to nine hours if the employer grants him or her an additional half day's rest per week. The ordinary working days being Mondays to Saturdays.

## 8.8 COLLECTIVE BARGAINING AGREEMENTS

Collective employment regulation instruments may be negotiated (collective bargaining agreement, accession agreement and voluntary arbitration decision) or not negotiated (compulsory arbitration decision). Collective bargaining agreements may be made by company agreement (signed by a trade union association and a single employer for one company), collective bargaining agreement signed by a trade union association and several employers for various companies or signed between trade union associations and employers' associations.

Compliance with the minimum wage rates as well as other Labor Law provisions is ensured by the Labor Inspectorate. The Labor Inspectorate monitors the legality of labor matters and has the power to supervise compliance by employers and employees with their duties. In the event of violation of minimum wage related provisions, employers can be fined up to 10 times the applicable minimum wage per worker victim of the violation. The trade unions and employers' associations can collaborate with the Labor Inspectorate, under the terms of the law, in monitoring the application of labor legislation and collective labor regulation instruments.

## 8.9 DISMISSAL

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

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

## 8.10 LEAVE ENTITLEMENT

Employees shall be entitled to the following periods of paid annual holidays according to Article 99:

- a. one day for every month of actual service, during the first year of service;
- b. two days for every month of actual service, during the second year of service; and
- c. thirty days for every year of actual service, from the third year onwards.

## 8.11 MATERNITY AND PATERNITY LEAVE

Under the new Labor Law no. 13/2023 25 August, Maternity and paternity protection is strengthened.

In addition to normal holidays highlighted above, workers are entitled to maternity leave corresponding to a period of 90 consecutive days, which can begin 20 days before the expected date. An employee is also entitled to paternity leave corresponding to a period of 7 days from the day after birth of the child.

## 9 GRIEVANCE MECHANISM

While the project will have in place a grievance mechanism to address concerns of project-affected parties, the nature of workplace concerns of workers is usually different. For example, typical workplace grievances include demand for employment opportunities; labour wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. Therefore, a separate grievance mechanism will be established for project workers (direct workers and contracted workers), as required per ESS2. The setting up of a workers grievance mechanism for CNNRP will promote: a) a speedy, impartial, and equitable handling of grievances from workers; b) sound labour relations; c) the resolution of individual grievances; d) social capital and relations in the project area of operation.

A proper working environment should facilitate both employers and employees to be entirely acquainted with all aspects of disciplinary processes, the grievance handling procedures and the legal requirements and rights involved. For implementation of an effective dispute management system, attention must be given to the disputes resulting from the following: a) Disciplinary action; b) Individual grievances; c) Collective grievances and negotiation of collective grievances; and d) Gender-based violence, sexual exploitation, and workplace sexual harassment; amongst others.

Handling of grievances should be objective, prompt, and responsive to the needs and concerns of the aggrieved workers. Different ways in which workers can submit their grievances should be clarified and shared with workers as part of their contracts. These may include submissions in person, by phone, text message, mail, and email. Revisions on the different ways should also be communicated accordingly.

The grievance(s) raised should be recorded and acknowledged within one day. While the timeframe for redress will depend on the nature of the grievance, health and safety concerns in work environment or any other urgent issues should be addressed immediately. Where the grievance cannot be addressed within a reasonable timeframe, the aggrieved worker should be informed in writing. Where the grievance cannot be addressed in a reasonable and agree period, the work may consider proceeding to the national labour judicial procedure defined in the Mozambique Labour Law. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential.

### 9.1 BASIS OF DISCIPLINARY PROCEDURE

The basis of any disciplinary action is the organizational/contractual rules and regulations of a specific work place. The organizational/contractual rules and guiding regulations may be implied or explicit. Some rules are implied in the contract of employment (e.g., rule against stealing from the employer, zero tolerance on sexual exploitation and abuse, observance of time - time management, zero tolerance on non-use of workplace uniforms and protective gear, etc ). However, it is advisable that even implied rules be included in the disciplinary code or schedule of offences at the work place. These may also vary from workplace to workplace.

In an organized workplace these rules ideally are negotiated with the trade union and are often included in the Recognition Agreements signed by the employer and trade union. These workplace rules must be:

- a. Valid or reasonable;
- b. Clear and unambiguous;
- c. The employee is aware, or could reasonably be aware of the rule or standard; and
- d. The procedure to be applied in the event the employee contravenes any of these rules.

RF/ANE, IP through its Supervision Engineers and in collaboration with the Construction contractors for CRRNP, will ensure that a fair and effective disciplinary procedure in the workplace environment is established, as follows: -

- a. Investigate to determine whether there are grounds for a hearing to be heard;
- b. If a hearing is to be held, the employer is to notify the employee of the allegations using a form and language that the employee can understand;
- c. The employee is to be given reasonable time to prepare for the hearing and to be represented by a fellow employee or a union representative;
- d. The employee must be given an opportunity to respond to the allegations, question the witnesses of the employer and to lead witnesses;
- e. If an employee fails to attend the hearing the employer may proceed with the hearing in the absence of the employee;
- f. The hearing must be held and concluded within a reasonable time and is to be chaired by an impartial representative.

Effectively managing grievances mean observance of the following:

- a. A reported grievance must as far as possible be resolved by the employer/through appropriate committee and as close to the point of origin as possible;
- b. The employer/committee must ensure that the grievance(s) is/are dealt with in a fair, impartial and unbiased manner and that the principles of natural justice are observed;
- c. The Procedure/action must be such that it assists and enables an employer and a work to address dissatisfactions in the employment relations and working conditions;
- d. No worker/even employer is victimized or prejudiced, directly or indirectly as a result of lodging a grievance;
- e. If a disciplinary action is taken against a worker, utilization of the grievance procedure to address any matter related to the disciplinary action shall not halt the disciplinary procedure; and
- f. Grievances will be submitted following the agreed ways for submission that were agreed/communicated the workers.

If an employee is dismissed, s/he must be given the reasons for dismissal and the right to refer the dispute concerning the fairness of the dismissal. Therefore, it is incumbent upon the Contractors to ensure that they have a disciplinary procedure, Code of Conduct, and standards, which the employees are aware of. Each contractor will be required to produce this procedure to ensure that employees are not treated unfairly. The procedure must align to the Mozambique Labour Law and ESS2 requirements.

## 9.2 GRIEVANCES RELATED TO GENDER BASED VIOLENCE (GBV), SEXUAL EXPLOITATION AND WORKPLACE SEXUAL HARASSMENT

To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the grievance mechanism shall have a different and sensitive approach to GBV related cases.

Where such a case is reported, it should immediately be referred to the appropriate service provider or the appropriate E&S risk management specialist.

ANE, IP PMU/PIU with support from consultants, to identify institutions and service providers who are actively engaged in prevention of gender-based violence, sexual exploitation, and workplace sexual harassment to establish a guide for supporting any potential survivors. The PIU and the contractor are not equipped to provide relevant services to survivors, but will refer any person to relevant service providers (for action in the GRC), including health facilities, law enforcement's gender unit or others, as relevant using the information on available services. Grievances related to gender-based violence must be reported through the project/contractor and incidences shared with PIU promptly.

For confidentiality, the nature of the complaint will be recorded along with the age of the complainant and relation to the project will be recorded but the issue will be referred to relevant institutions/service provider. Data on GBV cases if collected through the GRM should be handled with operators who have been trained on the empathetic, non-judgmental and confidential collection of these complaints. Only the nature of the complaint (what the complainant says in her/his own words) and additional demographic data, such as age and gender, can be collected as usual.

### 9.3 COLLECTIVE GRIEVANCE AND DISPUTES RESULTING FROM NEGOTIATIONS OF COLLECTIVE AGREEMENTS

Where a trade union is recognized, it is entitled to negotiate on a regular basis with the employer over terms and conditions existing at the workplace and the employer is obliged to negotiate with it. The procedure followed in such instances is usually contained in the agreement, which state how the issues are raised, the procedure for negotiations, the composition of the parties involved in the negotiation and the procedure to deal with issues that are not resolved through consensus. In the type of disputes, if the dispute is not resolved at the workplace, the parties to the dispute can utilize the dispute resolutions mechanisms provided for in the labor legislation.

### 9.4 WORKERS' GRIEVANCE REDRESS PROCEDURES

All employment sites and every employer including construction contractor is expected to establish and operationalize a workers' formal grievance procedure, which should be acknowledged and simplified to the employees once hired. Therefore, all the contractors who will be engaged for CRRNP will be required to produce/share an appropriate grievance procedure as a requirement that is included in the bidding documents which at a minimum should comply with these requirements.

Additionally, in respect to the recommendations of the international good practice recommends; the grievance Redress procedures must be confidential, transparent, adhere to non-retribution practices including right to representation. The Contractor will be required to provide proof that all hired workers are inducted. All workers, will also confirm through signed documentation that they have been inducted on the procedure.

The proposed procedure will at least define the following:

- a. Specify to whom the employee should lodge the grievance;
- b. Refer to time frames in the Labor Management Plan to allow the grievance to be dealt with

- expeditiously;
- c. Allow the person to refer the grievance to a more senior level within the organization, if it is not resolved at the lowest level;
- d. If a grievance is not resolved the employee has the right to lodge a dispute with the PIU.

The project will establish a step-by-step GM procedure for the Project workers consistent with the ESS2. Essentially, it will be at different levels. Grievance procedures will be tailored to meet the needs of the project, culture and workforce composition. The grievance procedures may be included in collective agreements. A clause in a contractor-level collective agreement that establishes a mechanism for individual workers to bring an employment-related grievance, potentially, either through a direct project specific established committee, through their trade union and/or with trade union assistance, will be sufficient to meet ESS2. The Project workers' grievance mechanism will not prevent workers to use judicial procedure.

The employer/contractor will establish for all direct workers and contracted workers a grievance redress mechanism (GRM) to raise and resolve workplace concerns. Therefore, all these workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. The GRM will be made accessible to all workers through various means of complaint submission (written, telephone, face to face/meeting reporting, fax, social media etc.). A grievance log/register will be maintained at the ANE, IP PIU and the contractor's designated sites/offices to facilitate quick access.

## 9.5 THE GRM STRUCTURE FOR WORKERS

All the project workers (all three categories, direct workers, contracted workers and primary supply workers) can directly register their complaints with the GRM for workers. The members of this GRM will be trained to be capable to address grievances by workers, including workplace complaints in an efficient and effective manner to meet national regulations on labors and World Bank ESS2.

### 9.5.1 DIRECT WORKERS AT PIU/PROVINCIAL LEVEL

A system will be established at the PIU including direct workers at provincial levels The to mitigate the related risks/complaints and be operationalize it in accordingly. The project Coordinator/Manager at ANE, IP will work with Human Resources Department in receiving and addressing any potential complaints. The Team will address the issue of timely management of the complaints. The complaint that is not resolved within 7 days, it can be referred to the next level. In the next level, the PIU will establish small membership GRM committee to receive and resolve complaints which the HR Department has failed to resolve. The committee should compromise of one senior staff from ANE, IP, a direct worker's representative, and another staff member. If there is a situation which is not resolved by the GRC or if the resolution is not satisfactory to the complaint, then then there is an option to appeal to the Head of ANE, IP for intervention. The complaints should be considered, and feedback provided within next 7 working days – after submission.

However, if the complaint is originating from construction sites and relating to the interaction with Contracted and Primary Supply Workers, then the Direct workers would lodge the complaints to the general workers' GRC.

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#### 9.5.2 CONTRACTED AND PRIMARY SUPPLY WORKERS - PROJECT SITE GRC

At the project site, the Contractor should develop their own GRM to resolve the grievances of contracted workers. Individual workers or labor association will submit their grievance to the GRC for Workers through one of the channels identified above (Last paragraph – section 9.4). A Grievance Focal Point (GFP) assigned by the Contractor (Preferably the Community Liaison Officer) will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances.

At this point the GRC will undertake the following actions:

- a. Refer workers related complaints to the Workers GRM;
- b. Registration, classification, and analysis of grievances;
- c. Convene the GRM for workers meeting to analyze and resolve the complaint;
- d. Provide written response to the complainant/contractor;
- e. Provide guidance with recommendations to the contractor to improve working condition/labor; and
- f. management issues within ten (10) working days.

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#### 9.5.3 CONTRACTED AND PRIMARY SUPPLY WORKERS - PROVINCIAL LEVEL GRC

In case the complaint is not resolved within 10 days of its receipt or it is unattended, the complainant can approach the provincial level GRC – to be established by ANE, IP as appropriate. The grievance will be examined and addressed within 30 days. Workers, labor associations can refer the complaint to the provincial GRC:

- a. Conduct coordinating meetings/ resolution sessions with complainants.
- b. Investigate the complaints.
- c. Provide written response to the complainants.
- d. management issues within ten (30) working days

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#### 9.5.4 REFEREE LEVEL

If all above fails, the last recourse is the stipulations in the Labor Code.

In addition, any complaint that tends to be criminal, the GRC should advise the complainant to take appropriate pathways including reporting to police.

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#### 9.6 PUBLICIZING THE WORKERS GRM

The ANE, IP PIU together with Project Supervision Engineer/Consultant will be in charge of publicizing the GRM. PIU should ensure that Workers GRM and its complementary community GRM is explained during public meetings. PIU should also ensure that leaflets/ICT materials on GRM are distributed during public meetings and made available at the various levels with contact numbers of the focal person for the GRM. Posters will be also be posted at community, district, and provincial levels.

The following procedures shall be followed while filing and processing complaints through the above described GRM structures:

- a. **Grievance Register Book:** A grievance register book shall be opened and kept in the office of resident engineer. All grievances shall be registered when and upon the receipt of complaints from the aggrieved. The book shall have: i) case reference number, ii) the aggrieved name, iii) the date the case is received, iv) the date the case is resolved and, v) a remarks column;
- b. **Responsibility for Registering Complaints:** the assigned resident focal point in the project area shall register in the Grievance Register Book all written complaints received or verbally reported;
- c. **Case Receipt:** Within 24 hours of receiving complaints, the Focal Person in consultation with the Chairperson/Secretary of the GRC shall issue a letter to the aggrieved acknowledging receipt of the case and providing a date when the case will be reviewed as well as the venue;
- d. **Public Access to the book:** The book shall be accessible to the public and shall be placed in an open and accessible office space;
- e. **GBV grievances:** These will not be documented in the public accessible book for sensitivity and confidentiality. However, a GBV action plan will be prepared to manage related risks.
- f. **A service Provider** will be engaged for awareness raising and ensure a system that capture GBV/SEA and HIV/AIDS related issues will be developed. This will be undertaken together with the Contractor's Sociologist/Community Liaison Officer.
- a. **PAPs:** All PAPs who have issues with their compensation and assistances are required to submit written complaints to the appropriate level of GRMs;
- g. **Mediation meetings** and outcomes will be recorded and kept by the GRM person-in-charge.
- h. **Unresolved Complaints:** Where complaints are not resolved, higher GRC references will be made accordingly; and
- i. **Unrelated complaints:** Where complaints submitted do not relate to the project, appropriate references will be made.

## 9.7 THE WORLD BANK GRIEVANCE REDRESS SYSTEM

Project workers may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed to address the project's labor related issues.

Project workers may also submit their complaint to the WB's independent Inspection Panel, which determines whether harm occurred, or could occur, because of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond.

Information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), can be found at: <http://www.worldbank.org/en/projectsoperations/products-and-services/grievance-redress-service> . Information on how to submit complaints to the World Bank Inspection Panel can be found at [www.inspectionpanel.org](http://www.inspectionpanel.org) .

Under this project, there is no application of community workers. Refer to section 12 below

## 9.8 CONTRACTOR MANAGEMENT

As part of the process to select design and construction contractors who will engage contracted workers, the legal and Environmental and Social (E&S) staff from the ANE, IP will review the following information:

- a. Information in public records (examples: violation of applicable labour laws, public inspection from the enforcement agencies);
- b. Business licenses, registrations, permits, and approvals;
- c. Documents relating to a labour management system, including OSH issues, for examples labour management procedures;
- d. Identification of labour management, safety and health personnel, their qualifications, and certifications;
- e. Worker's certifications/permits/trainings to perform the required work;
- f. Records of health and safety violations and responses;
- g. Accidents and fatalities records and notifications to authorities;
- h. Records of legally required workers benefits and proof of workers' enrolment in related projects; Workers' payroll records, including hours worked and pay received; and
- i. Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting requirements of ESS2.

All contracts with the selected construction contractors will include provisions related to labour and occupational health and safety, as provided in the Mozambique laws. The project's Supervising Engineer/consultant will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) including compliance with the World Bank ESSs and specifically ESS2 for the Labour and working conditions as well as the Mozambican Legislation. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labour management records and reports compiled by contractors. Contractor's labour management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of training provided for contracted workers to explain labour and working conditions and occupational health and safety risks and preventive measures for the project.

The application of Contractor management will be proportionate to the activities and to the size of the contract, in a manner acceptable to PMU/PIU and the World Bank:

- a. **Labor conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements;
- b. **Safety:** recordable incidents and corresponding Root Cause Analysis (lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (e.g., revised job safety analysis, new or different equipment, skills training, etc.);
- c. **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender,

age with evidence that no child labor is involved, and skill level (unskilled, skilled, supervisory, professional, management);

- d. **Training/ induction:** dates, number of trainees, and topics;
- e. **Details of any security risks:** details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project; and
- f. **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken - grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

The Project’s oversight of contractors is set out in this section. The following procedures should be put in place:

- a. Ensure that Contractors have valid contracts with clearly define service level agreement in accordance with the national law and all environmental and social clauses, as applicable: PIU and reviewed by ANE, IP
- b. Contractor induction to WB ESSS and specifically LMP: PIU, attended by other key stakeholders including the parent ministry officials
- c. Monthly submission of records: Contractor submission to PIU,
- d. Monthly site visits (at a minimum) and reports: PIU, and other Officers
- e. Evaluation of contractor requirements. This includes training, OHS files, certifications etc.

The Third-Party Monitoring Agent will conduct a six-monthly audit of labor and working conditions and submit reports. Other audits for specific purposes may be arranged as deemed fit by RF/ANE, IP PIU. The Labour management plan and its application is a living process and will be updated dependent of the situation and lessons learnt from the periodic review and reports.

## 9.9 COMMUNITY WORKERS

The project as conceived, does not reflect the involvement of community workers, and therefore no details of the terms and conditions of work are required to be set out as well as no need for and measures to check the operation, in accordance to ESS 2 and Guidance Note of Labour and working Conditions.

However, the project under Component 3 – Capacity Strengthening and Management commits to undertake a ... (vi) study on facilitation of public private partnerships in road rehabilitation and maintenance; (vii) development of community resilience committees led by women to support emergency preparedness and response; and (viii) promotion of women’s employment in the road sub-sector. Effort will be made to incorporate a skills development and livelihoods sub-component to provide opportunities for conflict-impacted local labor in the road works. However, the hire of the community members will be contracted and therefore, these will be inclusive of “Contracted Workers.”

## 9.10 PRIMARY SUPPLY WORKERS

The project will require procurement of substantial number of materials and Primary suppliers who are suppliers, on an ongoing basis, will provide goods or materials directly to the Project. The primary suppliers for the project will mainly be for road construction material (steel, building stones,

aggregates, quarry stone, gravel, borrow sites, cement, construction equipment, etc.) suppliers, electrical and electronic devices suppliers, IT and communication equipment suppliers, etc. The number of primary suppliers will be determined at the implementation stage of civil works. These primary suppliers will be required to comply with the requirements of the LMP and in accordance with the World Bank ESS2.

#### 9.11 SELECTION OF PRIMARY SUPPLIERS

Where appropriate, the project will be required to include specific requirements on child labor, forced labor and work safety issues in all purchase orders and contracts with primary suppliers. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor/forced labor and any associated serious safety risks. The contractor will be required to carry out due diligence to identify if there are significant risks of child exploitation, forced labour or exposure of children/workers to serious safety issues.

All suppliers will be vetted for previous compliance or non-compliance with project risks and impacts. For instance, where foreign suppliers are likely to be contracted, the contractor will be required to inquire during his/her procurement process about whether the supplier has been accused or sanctioned for any of these issues and their corporate requirements related to child labour, forced labour, and safety. If there are any risks related to child and forced labour, and safety identified, the contractor will notify Project Implementation Team and will address these risks and may avoid such suppliers, where possible. The PMT will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment.

Where a significant risk of child labour or serious safety issues in relation to primary suppliers has been identified, the procedure for monitoring and reporting on primary supply workers will involve various measures that have been put in place to prevent and control them such as establishment of child labour prevention committees at subcounty level through a third-party monitoring consultant such as a local NGO dealing with child labour. In the event of identification of child labour cases, it will be reported to concerned authorities. The labour law also provides for penal and administrative penalties in case of non-compliance with labour law provisions.

The PIU will, as part of its monitoring, include indicators for assessing the functions of primary supply workers. If there are any risks related to child and forced labour, and safety identified, in case of occurrence, the sanctions stipulated by Mozambique labour law will be applied as defined below.

One of the major risks related with primary supply is assessed in accordance with conforming to the application of the Code of Conduct (CoC). In addition, all primary suppliers are formal businesses who are required to procure and produce materials subject to high standards. Any new supplier is vetted using a different form which screens the supplier regarding compliance with taxes, certification, licensing, workmen's compensation and application of CoC.

The primary supplier identify will require to fill declaration forms for the company's permanent staff and declare any current or prior arbitrations as well as any criminal convictions. Registered suppliers are subject to regular review. The review will be carried out twice annually and requiring delegated

Officer(s) to visit the supplier's premises. The supplier evaluation form will be providing for reporting of any labor irregularity, if observed. The PIU will ensure that all primary supplier to the project report fatalities or serious injury and informs government authorities in accordance with national reporting requirements. The main project incidence reporting will apply to all supply suppliers.

#### 9.12 CHILD LABOR, FORCED LABOR AND GBV:

Where a significant risk of child labor, forced labor, GBV or serious safety issues in relation to primary suppliers has been identified, monitoring and reporting on primary supply workers will be undertaken by ANE and the Contractor to check that child labor, forced labor and GBV procedures have been adequately implemented. The Supervision Engineer will also monitor and report monthly whilst the Third-Party Monitoring Agency will audit and report on a six-monthly basis. The labor law also provides for penal and administrative penalties in case of non-compliance with its provisions. In case of occurrence, the sanctions provided by labor law especially articles 267 and 268 will be applied.

## 10 RESOURCES FOR THE IMPLEMENTATION OF THE LMP

The project will set aside funds to ensure that the planned LMP activities are implemented and monitored effectively. The project is projected to be implemented over 3 years, starting from early 2025. The summary budget is presented in the table below. This proposed budget will be reviewed and updated based on the final position on the period of implementation of the project.

**Table 10-1: Estimated budget for implementing the LMP**

<b>Labor Management Activities</b>	<b>Q-ty/per years</b>	<b>Unit Cost, USD</b>	<b>Total cost (USD)</b>	<b>Observations</b>
Development of the protocols (OHS at the workplace, CoC, etc.) including retreats for finalization	4	5,000	20,000	These should be done during year one of the project
Travel expenses of staff on LMP activities (supervision missions by the safeguards officers and PIU leadership)	12	5,000	60,000	This is quarterly for 3 years
Training (contract management, CoC, Grievance management, GBV, etc.) for PIU and Province/Districts.	2	20,000	40,000	To be conducted in the first 6 months of the project
Cost of managing the workers GRM	12	4,000	48,000	The costs will include supporting the development of the GM and implementation.
Monitoring and evaluation	12	5000	60000	This will be the cost of setting up the system, monitoring, documenting and reporting
<b>Sub-total</b>			<b>228,000</b>	
Contingency (10%)			22,800	To cater for unforeseen costs that might emerge
<b>Total</b>			<b>250,800</b>	Estimated total cost

### 11.1 ANNEX 1: CODE OF CONDUCT GUIDELINE – TEMPLATE

The **Employee Code of Conduct (CoC)** outlines the expectations regarding employees' behavior towards their colleagues, supervisors, communities where they work and the overall organizational set-up. The CoC should promote freedom of expression and open communication. Employees should avoid offending, participating in serious disputes and disrupting our workplace. They are also expected to foster a well-organized, respectful and collaborative environment at the workplace and in the communities where they work. The following should inform the CoC.

A satisfactory CoC will contain obligations on all project workers that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the location and the project sector and/or to specific project requirements.

The CoC should be written in plain language (it may need to be translated into various languages based on the needs of the workers) and signed by each worker to indicate that they have:

- a. received a copy of the code;
- b. had the code explained to them;
- c. acknowledged that adherence to this CoC is a condition of employment; and
- d. understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

The employer should conduct continuous awareness raising and training activities to ensure that workers abide by the CoC (such as through toolbox talks and training sessions). The employer should also ensure that local communities are aware of the CoC and enable them to report any concerns or non-compliance.

The issues to be addressed include:

- a. Compliance with applicable laws, rules, and regulations of the jurisdiction;
- b. Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment);
- c. The use of illegal substances (such as alcohol and narcotics during working hours);
- d. Non-Discrimination (e.g., on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction);
- e. Interactions with community members (e.g. to convey an attitude of respect and non-discrimination);
- f. Sexual harassment (e.g., to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate);
- g. Violence or exploitation (e.g., the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior);

- h. Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas);
- i. Sanitation requirements (e.g., to ensure workers use specified sanitary facilities provided by their employer and not open areas);
- j. Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection);
- k. Respecting reasonable work instructions (including regarding environmental and social norms);
- l. Protection and proper use of property (e.g., to prohibit theft, carelessness, or waste);
- m. Duty to report violations of this Code; and
- n. No retaliation against workers who report violations of the Code, if that report is made in good faith.

All staff should understand the disciplinary actions that can be taken against those who repeatedly or intentionally fail to follow the CoC. Disciplinary actions will vary depending on the violation. Possible consequences include: demotion; reprimand; suspension or termination for more serious offenses; and detraction of benefits for a definite or indefinite time.

The employer may take legal action in cases of corruption, theft, embezzlement, or other unlawful behavior (for example, the diversion of food meant for the SMP or the school equipment).

## 11.2 ANNEX 2 - MINIMUM WAGE IN MOZAMBIQUE BY SECTOR

**Table 11-1: Table - Minimum Wage in Mozambique by Sector**

Nº.	Sector of Activity	Minimum Salary (MZN) 2021
01	Agriculture, Livestock, Hunting and Agro Forestry (Sector 1)	4.829,00
02	Industrial and semi-industrial fishing (Sector 2)	5.570,75
03	Kapenta fishing (Sector 2)	4.401,68
04	Mining Extraction Industry (Sector 3)	9.848,89
05	Mining industry - Quarrying and sand mining (sand extraction) (Sector 3)	5.580,00
06	Salt mine (salinas) (Sector 3)	5.559,00
07	Manufacturing industry (Sector 4)	7.450,00
08	Bakery Industry (Sector 4)	5.350,00
09	Production and distribution of electricity, gas and water (Sector 5)	8.900,00
10	Small Operators (Sector 5)	7.246,72
11	Construction (Sector 6)	6.330,00
12	Non-financial services and activity (Sector 7)	7.300,00
13	Subsector of the Hotel Industry	6.578,00
14	Financial activity and services (Sector 8)	13.410,18
15	Micro-finances, micro-insurances and other ancillary activities of financial intermediation (Sector 8)	11.914,43

**Source: INE (2021)**