

**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORTATION**



**The Second Tanzania Intermodal and Rail Development Project
(TIRPII)**

LABOR MANAGEMENT PROCEDURES (LMP)

October 19, 2023

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ABBREVIATIONS AND ACRONYMS

Abbreviation	Definition
ALARP	As low as reasonably practicable
CMP	Contractor Management Plan
CRL	Central Railway Line
EHSGs	World Bank Group Environmental, Health and Safety Guidelines
ERLA	Employment and Labor Relations ACT,2004
ERP	Emergency Response Plan
ESCP	Environmental and Social Commitment Plan
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
ESSs	Environmental and Social Standards
ESF	Environmental and Social Policy Framework
ESIA	Environmental and Social Impact Assessment
GIIP	Good International Industry Practice
GRM	Grievance Redress Mechanism
HIRARC	Hazards Identification, Risk Analysis and Risk Control
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HL	Occupational hearing loss
IDA	International Development Association
ILO	International Labor Organization
IPF	Investment Policy Financing
JSA	Job Safety Analysis
LMP	Labor Management Procedures
NGO	Non-Governmental Organization
NSSF	The National Social Security Fund
MSD	Musculoskeletal disorders
OOMD	Other occupational medical disorders
ORD	Occupational respiratory disorders
OH&S	Occupational Health and Safety
OP	Operation Policy
PIU	Project implementation Unit
PIT	Project Implementations Team
PHA	Preliminary hazard analysis
PHEIC	Public Health Emergency of International Concern
PMO-LYED	Prime Minister's Office Labor, Youth, Employment and Persons with Disability

1.0 Introduction

The Labor Management Procedures (LMP) is developed by the Tanzania Railway Cooperation (TRC) to manage risks and impacts under the Second Tanzania Intermodal and Rail Development Project (TIRP II) for which the World Bank is providing financial assistance. The purpose of this LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project, and are designed to enable project-related parties, such as TRC staff, contractors, subcontractors, primary suppliers, and project workers to have a clear understanding of what is required on a specific labor issue. The project will ensure compliance with national law requirements as well as World Bank guidelines regarding the COVID-19 situation, in particular “ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects”, April 7, 2020.

The LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s Environmental and Social Framework (ESF), specifically “Environmental and Social Standard 2: Labor and Working Conditions (ESS2)” and Environmental and Social Standard 4: “Community Health and Safety (ESS4).” This LMP sets out the terms and conditions of employment for employing or otherwise engaging workers on the project, specifies the requirements and standards to be met and policies and procedures to be followed, assesses risks, and proposes implementation of compliance measures. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and ensure non-discrimination, equal opportunity, protection, fair treatment, and safe and healthy working conditions. The LMP is a living document to facilitate project planning, preparation, and implementation. It is anticipated that the LMP will be updated as additional information becomes available during project implementation, including in relation to workforce numbers and requirements, timing of project activities, and associated due diligence and social risk management.

1.1 Scope and Objectives

The LMP is prepared to guide different Project-related parties, including staff of the Project Implementation Unit (PIU), contractors and sub-contractors, primary suppliers, and all Project workers, to identify and understand key aspects of labor planning and management. The LMP identifies the main labor requirements and risks associated with the Project and assists TRC in timely determination of the resources necessary to address TIRP II –specific labor issues.

The LMP is a living document and will be reviewed and revised throughout the implementation of the Project, as informed by, among other aspects, project monitoring and evaluation processes. This LMP aims to achieve the following objectives:

- a) Establish arrangements that adequately and appropriately manage and protect the occupational health and safety and welfare of workers employed/engaged in relation to the Project who may be exposed to potential occupational health and safety risks in implementing the activities associated with the Project, including the transmission of HIV-AIDS, COVID-19, and other erupting pandemics.
- b) Ensure that workers engaged/employed in relation to the Project and employers, including Project Management in the PIU, Contractors, sub-contractors, and primary supplier’s workers understand their rights and obligations in relation to ensuring compliance with national law and World Bank provisions, in particular ESS2 and ESS4 provisions of the World Bank Environmental and Social Framework.
- c) Facilitate Project workers to exercise their rights to freedom of association and collective bargaining.
- d) Provide TIRP II workers with an effective mechanism for workplace grievances including complaints related to sexual exploitation and abuse and sexual harassment (SEA/SH).
- e) Prohibit discrimination in hiring, remuneration, access to training on the grounds of race, religion, disability, gender, sexual orientation, union membership, political opinions, age, and any other personal characteristics not related to inherent job requirements and promote equal opportunities for all.
- f) Prohibit the use of child and forced labor/human trafficking linked to TIRP II Project activities,

including in relation to contractors/sub-contractors and primary suppliers.

1.2 Scope of Labor Management Procedures

This Labor Management Procedures describes the requirements in terms of compliance, reporting, roles, supervision, and training with respect to labor and working conditions for TIRP II. It covers all categories of Project workers¹, including government workers/civil servants that have been seconded into the Project, whose coverage is outlined in paragraph 8 of ESS2, unless otherwise noted in this LMP.

1.3 Overview of the TIRP II

The proposed TIRP II will consist of four components including the remaining works from TIRP I, as well as some considerations going beyond the original proposed scope of works proposed during the TIRP I, as described below.

1.3.1 Component A: Strengthening of Railway Infrastructure and Support of Design Studies

This component is proposed to strengthen the railway infrastructure to be able to safely carry 18.5-ton axle load between Dar es Salaam port and Isaka terminal, by upgrading 156 bridges, rehabilitating the Tabora - Isaka (130 km) section, and refurbishing the tracks to selected sections of about 350 km between Dar es Salaam and Tabora. Under this component, the project also plans to support improvement of safety at railway crossing areas in major towns of Dar es Salaam, Morogoro, Dodoma and Tabora and implementation of intermodal terminals of Ilala and Isaka to facilitate loading and offloading of containers which couldn't be implemented during TIRP I due to budgetary limitations.

As the project falls under the Investment Project Financing in accordance with the World Bank Environmental and Social Policy for Investment Project Financing involving options for technical assistance activities, the project is proposed to support transport studies for (i) design of a permanent solution for addressing the Kilosa – Gulwe-Igandu flood prone section, detailed engineering design for rehabilitation of Tabora – Kigoma, Isaka – Mwanza, Tanga – Moshi-Arusha lines and design studies for rail and bridges rehabilitation works and climate change risk assessment which was Supposed to be completed under the recently completed TIRP I project, for this to be able to be financed under TIRP II.

1.3.2 Component B: Strengthening Climate Resilience of the Kilosa–Gulwe–Igandu Section

The component is proposed to support (a) the analytical studies for design of flood control systems along the catchment area of the Kilosa-Gulwe-Igandu; (b) the establishment of performance-based conditions (PBC) contracts to rehabilitate/improve the three flood control ponds/reservoirs at the Kinyasungwe catchment area to reduce flooding of the Kilosa-Gulwe-Igandu railway section; and (c) the rehabilitation of the railway track along the Kilosa-Gulwe-Igandu section. The project will support analytical studies and facilitate the implementation of flood control reservoirs through performance-based conditions (PBCs). The project will directly support the 'feasibility study and design of flood relief structures (ponds/reservoirs) at the Kinyasungwe catchment area'. The study will help quantify the flooding (flood modeling) of the catchment area of the Kilosa - Gulwe - Igandu section and propose additional flood control measures to be considered as part of the Government program for effective flood control of the railway segment. The measures are expected to propose the number, size, and location of 'general purpose reservoirs' to be rehabilitated mainly as part of the irrigation program but also for water supply, fishery, and livestock. As part of the preparation of the feasibility studies, the National Irrigation Commission (NIRC) should prepare TOR that ensure that relevant environmental and social issues are considered in conducting the studies in a manner that is consistent with the ESF and the OESRC Advisory Note Technical Assistance for type 1 Ta activities.

The project will also support the technical assistance for effective implementation of the flood control infrastructure and capacity strengthening for operations and maintenance. The National Irrigation

¹ The Project workers' categories referred to are direct workers, contracted workers and primary supply workers as defined under the Scope of application of ESS2

Commission (NIRC) will be provided with technical specialists for effective monitoring of designs and infrastructure implementation as well as a consulting team for supervision of contracts. The Dam Safety Unit under the Water Resources Department in the Ministry of Water (MoW) will be supported with Dam Safety technical specialists to review the safety of designs and provide independent quality monitoring during implementation. Finally, the project will support capacity strengthening for operations and maintenance of the flood control reservoirs.

1.3.3 Component C: Operational and Institutional Support

TRC is in the preparatory stage for risk-based approach to railway signaling system. An engineering transitional plan based on accurate assessments of the network traffic, to determine the safety requirements for each designated zone is to be decided upon for successfully transitioning from TIRPI into the TIRP II project. The newly developed train control system is expected to be fully integrated with active and commensurate Operation and Maintenance component (O&M), review and amendments of operational manuals including trains operations staff manual for TRC officers and other staff like drivers, signalers, LATRA/TRC staff safety training and safety culture cultivation to match the increased sub-sector performances and operational targets in terms of line speed and traffic up to 70 KPH and 1.2mn tons respectively.

The proposed project (TIRP II) may also support the following areas; (i) preparation of a National Integrated Transport master plan, (ii) prepare phase 4 of the Transport Sector Investment Program (TSIP-IV); (iii) Decarbonization strategy for transport sector in Tanzania, and (iv) capacity strengthening of the Department of Policy and Planning through engagement of technical assistance for development of Monitoring and Evaluation (M&E) as per the request of Ministry of Works, Transport and Communications (MoWT-Transport).

1.3.3 Component D: Contingent Emergency Response

This zero-dollar component will allow for swift reallocation of credit proceeds from the other components to provide immediate emergency recovery support following an eligible crisis or emergency. This CERC can be triggered for emergencies and/or disasters that affect the railway track along the Dar es Salaam – Isaka railway section.

2.0 Overview of Labor Use on the TIRP II Project

This LMP is applicable to workers in projects, i.e., full-time, part-time, seasonal, temporary, skilled, unskilled, or migrant. It is also applicable, as per ESS2, to the project in the following fashion:

- a.) Persons employed or engaged directly by TRC to work specifically in the project.
- b.) Persons employed or engaged by contractors or subcontractors to perform work related to core functions of the project, regardless of location.
- c.) Project employed or engaged by the project's primary suppliers.

2.1 Number and Characteristics of Project Workers:

TRC aims to improve the railway infrastructure safety aspects and operational efficiency along the central railway line, covering about 970 km, between Dar es Salaam port and Isaka terminal. The implementation of this Project will involve the engagement of different types of workers, reaching approximately 400-1200 workers at any time, with anticipated fluctuations subject to intensity of works at active work sections. Although the exact number of labor requirements cannot be established at this stage, TRC assumes that the number of project workers is considered to cover the workforce demands equivalent to one fully operating lot in the previous work contracts during inception, at full operational and during decommissioning phase. Most of the project workers will be engaged in the implementation of TIRP II component 1, (Strengthening of Railway Infrastructure and Support of Design

Studies), which will cover about 80% of the whole project.

TRC considers TIRP II a national project; about 80% of the workforce will be local Tanzanians. Nonetheless, the Project Contractor will be guided by social safeguards tools including labor influx management to maximize benefits and minimize risks by tapping into local labor residing in the project area. The estimated 1,200 project workers will be divided into: 39 direct workers; 1,110 contracted workers; a 66 primary supply workers.

2.1.1 Direct Workers

Total number of Project Implementation Team employees, dedicated to this project is estimated to be 24 persons. The PIT will be responsible for managing the project and implementing the different procedures including this LMP. Direct workers also include the project consultants and the third party monitoring agencies/institutions focusing on labor related capacity building and risks management issues at Client, supervision consultant and project Contractor levels.

2.1.2 Contracted Workers

This category will account for about 95% of estimated total number of project workers that will be determined after final design works. The accurate number of project contracted workers who will be employed cannot be determined until implementation begins.

However, according to the initial project design, it is expected that TIRP II will employ about 1,110 contracted workers. The construction phase of the project will be dominated by labor intensive activities of component 1 (*Strengthening of Railway Infrastructure and Support of Design Studies*), which will mainly be covered by unskilled and semiskilled labor. The project will prohibit child and forced labor; it is envisaged that all workers will be over 18 years old, likely in the age range of 18-49 years old.

Although the project will likely attract an influx of people, no or negligible number of local migrant labor will be assigned to the project works. Special considerations will be extended to migrant workers, particularly focusing on key areas such as providing pre-employment training and orientation, ensuring comprehension of the workplace language, fostering understanding of safety procedures, delivering comprehensive workplace safety training, offering suitable personal protective equipment (PPE) to mitigate workplace hazards, and granting access to information about occupational health and safety (OHS) policies and procedures in a language they are proficient in. Construction will take place along villages/mtaa with youth population, characterized by energetic, literate, experienced and possession of other attributes fit for effective and efficient implementation works of project. Experience shows that, most people along the Dar Es Salaam-Isaka section have past experience working in MGR scheduled Maintenance or train accidents related rescues. Others were also involved in TIRP I rehabilitation/upgrade and SGR project construction works. The terms and conditions of contracts for all the contracted workers will adhere to the Tanzania Employment and Labour Relations Act of 2004, the Occupational Health and Safety Act, 2003; and the World Bank Environmental and Social Framework as well as the Environmental Health and Safety guidelines and International Labour Organization Standards on Occupational Health and Safety.

2.1.3 Primary Supply Workers

Based on the experience from TIRP I, the total number of Primary Supply Workers for this Project has been estimated at 66 (5.5% of the total number of project workers). Primary supply workers will consist of those providing project construction raw materials like ballast, treated timber and consumables including food supplies throughout the project implementation.

2.2 Timing of Labor Requirements:

2.2.1 Pre-construction and early construction phase

This phase is expected to have about 250 total workers, predominantly local and a few foreign personnel working on planning, logistics, permit acquisition and initial operationalization of the prepared safeguard tools, before full-fledged project works. It is during this stage that TRC will identify and assess primary suppliers for their ESHS compliance with regards to Primary Supply Workers. Although TRC PIU/PIT will aim at avoiding new materials suppliers, for instance by utilizing its crusher sites for ballast and certified TIRP I suppliers for other materials, there might be a need for at least five new local and international suppliers for construction materials for Component 1 of the project. The PIU will ensure that all suppliers engaged to work on the Project have comprehensive environmental and social standards and management practices in place, with a demonstrated record that their manufacturing and supply activities related to the Project are undertaken in line with national laws, paragraph 39-42 of ESS2, ESS4, and other relevant sections of the ESF

Skilled labor

At least 10 skilled labors (excluding the direct PIU members from the client side) are anticipated to be at site during the early 3 months of pre-construction phase. Involved in this phase will be Engineers (5) who will be involved in dealing with works linked to topographical surveys, geotechnical studies, architectural, engineering and services designs as well as acquisition of permits/Certificates/Building permit. The phase will also involve Human Resources persons (2), three Environmental, Social, Health and Safety experts(ESHS) who will focus on initial project introduction/disclosure to stakeholders including the confirmed details of the works, commencement date, total project duration and completion time, rehabilitation and resettlement implementation for physically and economically displaced persons, oversee ESHS compliance in site clearance, building of camps and temporary security fence, site office and storage structures, confirm the skilled and unskilled labor requirement and review and integrate stakeholders' feedback for design of appropriate mitigation measures.

Semi-skilled labor

This group will mainly play a supporting role in linking the skilled and unskilled labor while converting plans including engineering designs into intended project output (mainly structures,). It is anticipated the phase will engage about 40 semi-skilled labor constituting supervisors (10), operators (4), drivers (10), First aiders (4), Cooks (3) and security guards (9). The project main contractor is expected to employ at least 80% of semi-skilled labor from within the project area of influence.

Work experience from TIRP I or other related project works should be one of the criteria for workers' qualification in this aspect. All vehicle drivers, machine operators, first aiders and security personnel are expected to be locally sourced whereas 1 cook and 2 supervisors are expected to be selected on the basis of contractor requirements regardless of nationality. Negligible project migrant, semi-skilled labor is expected from different parts of the country and their assignment/allocation to employment opportunities is discouraged at this stage to set the right tone in management of labor influx related risks including GBV/SEA-SH, child labor, etc. The PIT will ensure that the contractor is well guided/advised to adhere to labor management plan requirements including sourcing and recruiting semi-skilled labor from the locations where the project works are being implemented.

Unskilled labor

It is estimated that most of the proposed works in the main component of TIRP II (Strengthening of Railway Infrastructure and Support of Design Studies) will entail manual works. During Pre-construction phase of the project, about 200 unskilled laborers will be required mainly in Construction of Project main/site office Camps, temporary access roads, fences, storage, and other relevant associated facilities. At this stage of the project, all temporary unskilled laborers will have to be sourced locally and will be inducted to adhere to the project standards including workers ethical Code

of conduct and OHS related Standard Operating Procedures (SOPs) including but not limited to proper use of mobile toilets, blasting, working in heights, workshop, lifting, welding operations etc.

2.2.2 Construction phase

This phase will likely have between 400-1200 direct workers (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) and Contracted workers (people employed or engaged through third parties to perform work related to core functions of the project, regardless of location). The project direct workers, contracted workers and primary supply workers ranging from unskilled, Semi-Skilled, and skilled levels will be involved in Component 1 (**Strengthening of Railway Infrastructure and Support of Design Studies**) of the project, with only handful of workers specializing in works related to component 3 (**Operational and Institutional Support**) as described below. Additionally, labor requirements for components 2 will be separately determined after the final design.

Skilled labor

At least 60 skilled labors are anticipated to be actively present at site during the Construction phase. Involved in this phase will be Client's PIT (24) strengthened and inherited from TIRP I, including 16 experts who will be permanently engaged as project workers, consisting of TIRP I individual Consultants (10); Project Manager, Project Coordinator, Procurement Specialist, Financial Management and Accounting Specialist, Project Engineers – Works, Civil Engineers – Works, Civil Engineers – Works, Signaling specialist, Environmental Health and Safety Expert, Sociologist and six(6) TRC regular staff also dedicated to TIRP obligations in the capacities of Project Engineers - Works, Project Engineers -Rolling Stock, Project Engineers - (Signaling and Telecom), Civil Engineers- Works, Civil Engineers- Works and Mechanical Engineer. Should the TIRP arrangement prevail, the TRC's team may also involve additional eight (8) specialists from an international firm, engaged on demand basis, specializing in Rail Safety and Technical Assurance, Business / Change, Rail Economic Regulation, Rail Safety Regulation, Contract Management, Rail Infrastructure and Track, Rail Operations, and Institutional aspects.

Under Contracted type, the skilled category during Construction phase will involve about 38 project workers consisting of the Resident Engineer (1), Assistant resident Engineer (1), Material engineer (1), Measurement engineer (1), ESHS experts (3), Civil/mechanical Engineers and Inspectors from the Supervisions Consultant (8) as well as the Project manager (1), Assistant Project manager(1), Project planner (1), ESHS experts (3), Human resources(2), Mechanical/Civil Engineers and inspectors(15) from the Contractor and sub-Contractor side.

Although the exact number by labor characteristics cannot be determined with high level of certainty at this preparatory stage, Project workers under this category is expected to be mainly dominated by locals as a result of capacity built through technology transfer during Implementations of TIRPI, with no major deviations in terms of technology and construction materials, machinery, tools/ equipment for most sub-components under TIRP II.

Semi-skilled labor

This group will continue playing a key supporting role in linking the skilled and unskilled labor while converting plans including engineering designs into intended project output (structures). It is anticipated the construction phase will engage about 160 semi-skilled labor constituting supervisors, site inspectors, operators, drivers, First aiders, HSE representatives, Cooks, welders, and security guards.

During the construction phase, this category will be dominated by semi-skilled project local laborers from different parts of Tanzania (at least 130 locals), employed mainly on their skills, educational background, experience, and other railway project related merits. Subject to project critical skills

demands, the project will also engage some limited number of semi-skilled foreigners, as a result of utilizing of locals who benefited from technology transfer during the recently implemented first phase of project (TIRP I).

Unskilled labor

Like pre-construction phase, it is estimated that most of the proposed works in TIRP II will either need 100% physical involvement of human resources or at least 90% of project components end products requires physical involvement and strength application for workers. At the peak of construction phase of the project, about 1,000 unskilled laborers will be required mainly in construction works including Refurbishment of railway infrastructure between Munisagara – Msagali (84.3 km), Kikombo – Bahi (74.8 km), Makutupora – Manyoni (33.6 km) and Kitaraka – Igalula (149 km), Rehabilitation and repairs to 171 river crossing bridges, Rehabilitation of Tabora – Isaka section including complete track renewal (CTR) and bridges and repairs for selected bridges. At this stage the unskilled labor will mainly compose of local youth sourced from within the villages/streets along the project corridor with some migrants from various regions within the country.

Labor requirement for a particular section may vary from time to time due to the fact that the railway will continue functioning during construction works of TIRP II (Live line), leading to shifting of workers from one location to another subject to actual or prevailing logistical and safety conditions along the railway line. Requirements for unskilled labor for some particular activities under the project components cannot be established with certainty at this stage.

2.2.3 Decommissioning phase

This will involve demobilization of temporary structures for proper restoration of the site. Other activities include rehabilitation of the area surrounding the buildings such as camps, Sub-camps at least to the original condition, clearance of all sorts of wastes including used oil, sewage, solid wastes (plastics, wood, metals, papers etc.), liquid waste structures including waste stabilization ponds (WSPs) and termination of temporary and long-term employment contracts as part of and per the requirements of worker's retrenchment plan. This phase will culminate into at least 5% of each skilled, semi-skilled and unskilled labor of the project workforce for finalizing the project completion activities. The level labor related of risks and impacts will be as per ESA conducted at the beginning of the project and practical experience obtained from implementing ESIA and accompanying Site specific ESMPs.

3.0 Assessment of key potential labor risks

This section indicates identified labor risks in relation to the TIRP II project.

3.1 Key Potential Labor Risks Associated with the Project:

- a) Child labor
- b) Forced labor
- c) Workplace injuries, accidents and related OHS hazards
- d) Project related harassment including GBV/SEA-SH
- e) Project induced impacts of labor influx into local communities, including prevalence of Sexually Infectious Diseases

a) Child labor

Section 59 of the Tanzania Employment and Labor Relations Act, CAP 366, R.E 2019, states that no child under 18 years shall be employed in any sector that involves hazardous work or work that is likely to harm the child's health and safety, or morals. Section 60 of the same Act prohibits the employment of children under the age of 18 in certain occupations, such as work that involves dangerous machinery or exposure to toxic substances. Tanzania has ratified ILO Convention No. 138 on minimum age and Convention No. 182 on the Worst Forms of Child Labor.

The project has established a minimum age of 18 years for employment for all project workers. But there is a risk that persons employed or engaged by primary suppliers for the project, including those involved in producing and providing gravel and other materials, might engage persons under 18 years to perform the worst form of child labor. Use of child labor is anticipated to be a risk in relation to use of unskilled workers from local communities hired for project vegetation/land clearing and other activities.

Given that the project has established a minimum age of 18 years for employment for all project workers, TRC will ensure that all persons directly hired or employed/engaged by contractors, subcontractors, and primary suppliers for the project are at least 18 years old. The TRC will maintain records verifying the age of employment for all direct project workers and ensure that all contractors, subcontractors, and primary suppliers maintain such documentation for their workers engaged in relation to the project. TRC, contractors, subcontractors and primary suppliers will maintain all such records confirming age of employment of project workers for inspection by TRC or the World Bank. The TRC will also require all contractors, subcontractors, and primary suppliers to identify the risk of child labor in their workforce relating to the project and supply chains and to take appropriate steps to remedy the situation, or to terminate the contract with the contractor or primary supplier.

b) Forced labor

Tanzania has ratified ILO Convention 29 on Forced Labor, and ILO Convention No. 105 on Elimination of Forced Labor. Additionally, the Employment and Labor Relations Act Cap 366 R.E. 2019, No. 6, section 18, prohibits forced labor and provides penalties, including fines and imprisonment, for violations.

The Employment Act, however, excludes from the prohibition on forced labor work exacted by prisoners as a consequence of a court conviction, and it is a practice in Tanzania for prisoners to provide nonpaid and non-voluntary labor on road repair and other public construction projects. Also, there are risks of persons being trafficked to work for contractors, subcontractors, or primary suppliers for work activities related to the project. Other examples of forced labor that could occur in relation to construction and infrastructure activities include imposition of recruitment or employment fees payable by the worker at the commencement of employment, and loss or delay of wages that impede a worker's right to end employment within their legal rights, or other project restrictions that compel a project worker to work on a non-voluntary basis.

TRC will ensure that no person is employed or engaged in relation to the project under circumstances that would constitute forced labor, prison labor, or the result of labor trafficking. To this end, TRC will maintain records of the recruitment circumstances as well as the written employment contracts of all project workers, including direct hires, as well as persons engaged through contractors, subcontractors, and primary suppliers. TRC will also conduct periodic inspections, at least once every six months, of contractor, subcontractor, and primary supplier employment records to verify consistency and compliance with the law in relation to recruitment of workers and provision to all workers of a written signed employment contract in English or Kiswahili, depending on the worker's preference.

If forced labor or persons who are engaged in the project as a result of trafficking are identified, TRC will act promptly to address the issue, including referring the matter without delay to the relevant Tanzania government authorities, as well as relevant government or NGO trafficking victims'/forced labor victims' support services, as appropriate, to be addressed in accordance with Tanzania law. Also, to address the risk of forced labor or persons trafficked to work for primary suppliers, TRC will undertake due diligence to identify possible suppliers and the extent to which these risks might be present in their activities for the project.

Where forced labor or labor resulting from trafficking in persons is identified, TRC will require the primary supplier to report the situation to the police and other relevant government authorities. Depending on the circumstances, TRC will discontinue use of that primary supplier and instead use primary suppliers that can demonstrate they are meeting the relevant requirements of Tanzania law relating to forced labor and the trafficking of persons, and the applicable provisions of ESS2.

c) Workplace injuries, accidents and related OHS hazards

Given the hazardous nature of a diverse project work activities implemented concomitantly in various sub-components by the Contractor, subcontractors, and primary suppliers as well as a nearly 1200-person workforce, there is a substantial risk of workplace accidents and injuries, in particular regarding vegetation/land clearing and excavation, steel works, and related civil works activities of the project. Construction and steel works expose workers to an array of health risks ranging from physical injuries to respiratory tract diseases. Inadequate or inappropriate use of personal protective equipment (PPE) during steel, track works and related construction and other infrastructure work may result in an increased risk of worker injuries or even fatalities.

The project will involve working at heights during bridge construction, in confined spaces, the use of mobile heavy machinery, and the use of hazardous materials in the rehabilitation of track and bridges, clearing vegetation and land, and excavation of earth, among other activities. Health and safety risks related to the activities of steel, track and bridge works include exposure to physical hazards from use of heavy equipment, tripping and falling from high places, exposure to noise and dust, vibrations, falling objects, exposure to hazardous materials and exposure to electro-magnetic charges and other electrical hazards, including the use of tools and heavy machinery.

Workers may also be exposed to the possibility of traffic-related accidents, from residential and commercial vehicles travelling on roads where workers are transporting materials and wastes to and from the construction sites. Workers may also be exposed to potential construction site and material handling related accidents, and workers may also be exposed to structural safety issues in event of structural failure for poles.

To avoid the possibility of underage persons being involved with hazardous work in relation to the project, the project will not employ any persons under the age of 18 years. Moreover, the project will avoid to employ nursing and expectant mothers and disabled workers on activities that are considered hazardous. To minimize workplace injuries, accidents and related OHS hazards, the mitigation hierarchy including elimination, substitution, engineering controls, administrative controls and PPE (as a last resort) will be applied. The project has therefore prepared an Environmental and Social Impact Assessment that will guide the assessment of risks and preparation of Environmental Social Management Plans (ESMPs) for the project. These ESMPs will form part of bidding documents for contractors and will therefore guide the preparation of Site-Specific Occupational Health and Safety plans which will detail how these risks will be managed for each of worksite for review and clearance by the implementing agencies.

TRC will maintain all records for activities related to project safety and health for inspection by TRC, or the World Bank. TRC should also:

- Develop and implement an approved Contractor OHS Management Plan.
- Select legitimate and reliable contractor through screening OHS records.
- Address adequately OHS risks with non-compliance remedies including provision of Insurance and third-party liability for workers in case of accidents or death need to be considered in contracts and in procurement documents.
- Require the contractor to engage qualified ESHS staffing
- Enhance workplace OHS awareness and training.
- Conduct routine monitoring and reporting

TRC will also ensure that each of the contractors and subcontractors engaged respectively for the project:

- Provide each project worker under the contractor's supervision with appropriate and other needed Personal Protective Equipment (PPE) based on the results of OHS risk assessments to define measures according to mitigation hierarchy
- Provide monthly training, and written confirmation documenting persons trained and type of training, to each project worker under their control, on national law requirements and best practices on occupational health and safety and the proper use of PPE. The training will be organized in a manner to minimize exposure of trainers and trainees to transmission of communicable diseases including COVID-19, in line with country, World Bank, and World Health Organization parameters/guidance.
- Provide written confirmation to the TRC that each project worker under the contractor's/subcontractor's control complies with national occupational health and safety laws and uses all required PPE appropriate for the worker's project work duties.
- Provide written confirmation of the contractor's/subcontractors' compliance with all requirements of applicable occupational health and safety legislation of Tanzania and with the World Bank Group General Environmental Health and Safety guidelines (EHSGs) on Occupational Health and Safety.
- Maintain all records for activities related to project safety and health for inspection by TRC, or the World Bank.

Together with the provision of appropriate PPE and respective training for all project workers, TRC will also take the following specific additional measures to mitigate occupational health and safety risks in relation to project workers:

- Ensure that at all times there is at least one licensed and trained first aid practitioner with a fully equipped first aid kit at each project worksite and a standby car equipped to operate as an ambulance for each contractor to refer workers needing further assistance to the health center/ hospital.

- Establish a 24-hour emergency response system at all project worksites to communicate the occurrence of any workplace accident or injury to TRC project manager and to OSHA and other relevant governmental institutions.
- Implement OHS drills, frequent field supervision, incident reporting (including near misses), development of lessons learned and corrective action plans

Use the following response communication procedure whenever an incident/injury occurs:

- Team supervisor will report to site engineer
- Site engineer will report to consultant
- Consultant will report to TRC
- TRC will report to overall Project Coordinator
- Overall project coordinator will report to Ministry of Works

d) Project related harassment including GBV/SEA-SH

Construction workers are predominantly younger males and females, in most cases. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male workers may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work. Experience also shows occurrence of workplace physical harassment between supervisors and workers or between male co-workers' due to various reasons including language barriers and/or lack of tolerance on cultural differences

In line with adequate implementation of tools such as an approved SEA/SH Prevention and Response Plan, measures TRC will implement, through project contractors and sub-contractors, measures to mitigate the risk of GBV and Sexually Infectious Diseases including the following:

- Implement a Code of Conduct (CoC) for all project workers, that will include provisions related to GBV/SEA/SH, and which all contractors and subcontractors and primary suppliers will agree to abide by as a condition of contract (Note: The CoC/ Worker Code of Conduct is Annex 1 to this LMP) and implement a GBV Action Plan to be established in accordance with the project Environmental and Social Framework (ESMF).
- Raise awareness regarding GBV and Sexually Infectious Diseases and train all project workers and residents of local communities affected by the project, on GBV responsibilities related to adherence to the CoC, and consequence for noncompliance, prior to commencement of any project-related work activities.
- Ensure that all project workers, both direct hires and those hired through contractors/ subcontractors, have access to the grievance mechanism established specifically for the project workforce or the grievance redress mechanism established generally for the project, to address concerns relating to GBV.

e) Project induced impacts of Labor influx into local communities, including prevalence of Sexually Infectious Diseases

It is expected that the project will attract a labor influx of job seekers and persons seeking to provide them with ancillary services. This situation can create considerable social and economic problems for affected communities near project work sites and work camps, which TRC anticipates establishing for unskilled and other workers coming from throughout Tanzania to work on the project. The negative social and economic risks to local communities resulting from this labor influx could include increased rates of crime and social conflict, increases in traffic accidents and related violence, increased pressure on accommodations and rents, increased transmission of HIV/ STDS, as well as an increase in gender-

based violence, in particular, sexual exploitation, including trafficking in persons for sex work, and sexual harassment (SH). In light of the labor related circumstances of this project, there is the possibility of transmission of communicable diseases, including COVID-19, among project workers and between project workers and affected local communities.

Each contractor/subcontractor will ensure that the accommodation is appropriate for its location, and is clean, safe and at a minimum meets the basic needs of workers, taking local cultural factors into consideration. In particular the provision of accommodation shall meet Tanzania legislative and other legal requirements and international good practice regarding, but not restricted to: the charge for accommodation, the provision of minimum amounts of space for each worker, provision of sanitary, laundry and cooking facilities and potable water; the location of accommodation in relation to the workplace; the provision of first aid and medical facilities and fire safety equipment and personnel; and heating and ventilation.

TRC with the support of the Engineer (Supervision Consultant), will be responsible for ensuring that the contractors and subcontractors manage these work camps and/or other accommodation in compliance with all relevant Tanzania laws and the requirements of ESS2. If necessary, the relevant World Bank guidance in relation to COVID-19 will apply to the management of any work camps/worker accommodation. TRC will be responsible for ensuring that the contractors and subcontractors manage these work camps in compliance with all relevant Zanzibar laws and ESS2 and ESS4 of the World Bank ESF, and the contractual conditions between the contractors/subcontractors and TRC.

Depending on project circumstances during implementation, TRC might need to develop a Labor Influx Management Plan, which will be in line with the provisions of this LMP, as well as ESS2, ESS4 and related provisions of the ESF and other World Bank standards. TRC shall refer to and ensure that the contractors and subcontractors refer to the World Bank Operations Policy and Country Services “Managing the Risks of Adverse Impacts on Communities from Temporary Project Induced Labor Influx” for further guidance on understanding the circumstances for developing and implementing a Labor Influx Management Plan.

To address the negative risks and impacts associated with labor influx, TRC, contractors, subcontractors, and project workers will need to maintain productive relations with local communities, including through a Code of Conduct (CoC). The CoC will commit all persons engaged by the project, including contractors, subcontractors, and primary suppliers (where possible), and their workers to acceptable standards of behavior. The CoC will include sanctions, including termination of contract or of engagement/employment in relation to the project, for non-compliance with specific policies related to GBV/SH and related matters. The CoC will be written in plain language, understandable to contractors, subcontractors, primary suppliers, and project workers in English and Kiswahili, and signed by each worker to affirm that they have:

- Received a copy of the CoC as part of their contract/employment/engagement in relation to the project.
- Received an explanation of the contents, including sanctions for non-compliance, of the CoC, as part of engagement/employment induction process for the project.
- Acknowledged in writing that adherence to the CoC is a mandatory condition of employment.
- Affirmed in writing their understanding that violations of the CoC can result in serious consequences, up to and including dismissal, or referral to legal authorities. Copies of the CoC shall be displayed, in English and Kiswahili, at all project work sites and in other location easily accessible to the local community and other project affected persons.

TRC will require contractors to hire workers for the duration of the implementation of the project and not on short-term contracts to mitigate the risk of transmission of communicable diseases, including COVID-19, among project workers and between project workers and affected local communities,

TRC will undertake in relation to its direct workforce and will require that all contractors/subcontractors undertake the following in relation to all workers engaged to the project, the following:

- Conduct pre-employment health checks
- Control entry and exit from site/workplace
- Review accommodation arrangements, to see if they are adequate and designed to reduce contact with the local community
- Review contract durations, to reduce the frequency of workers entering/exiting the site
- Rearrange work tasks or reducing numbers on the worksite to allow social/physical distancing, or rotating workers through a 24-hour schedule
- Provide appropriate forms of personal protective equipment (PPE), such as face shields, to mitigate transmission of communicable diseases
- Put in place alternatives to direct contact, such as tele-medicine appointments and live stream of instructions.

4.0 Brief overview of labor legislation: terms and conditions

Tanzania continues forging strategic partnerships with other key development stakeholders such as ILO, the World Bank to ensure enhancement measures are well executed for the labor to realize the benefits associated with Construction project implementations. TIRP II will ensure 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 as highlighted in ESS2 and the World Bank EHS Guidelines

Terms and Conditions of all types of employment in the project will reflect the objectives of the National Policy ACT 2008, ESS2 and other relevant National Programs including The Decent Work Country Program (2013-2016). The compliance on these objectives will be enforced under the relevant provisions of the Employment and Labor Relations Act, Cap 366, R.E 2019 in relation to other acts such as The National Social Security Fund was established under the National Social Security Fund Act [Cap. 50 R.E 2018], the National Health Insurance Fund Act, Income tax Act concerning payment of remuneration, and statutory deductions respectively.

The Employment and Labor Relations Act, Cap 366, R.E 2019, regulates the terms and conditions of employment in Tanzania. It provides basic conditions of employment with a view of improving the status of employees in the United Republic of Tanzania. The Act makes it mandatory for employers to furnish employees with written particulars of employment stating, hours of work, wages, leave entitlements, job description, grievance procedure, benefits, if any, etc. It further mandates the Ministry responsible to issue wage regulations on a regular basis which deals with worker's terms and conditions of each particular industry.

The Act applies to all employees including those in the public service of the Government of Tanzania in Mainland Tanzania but shall not apply to members, whether temporary or permanent, in the service of: (i) the Tanzania Peoples Defense Forces; (ii) the Police Force (including the Central railway unit); (iii) the Prisons Service; or (iv) the national Service.

It is in this legislation where you will find provisions regulating the following major labor related aspects;

Prohibition of child labor

Section 5 of the Employment and Labour Relations Act [CAP. 366 R.E. 2019] prohibit for any employer to employ a child of 14 years of age and a child of less than 18 years in hazardous sectors such as Construction works as detailed in subsections (1) and (3) respectively. TRC will ensure that, all personnel employed in TIRP II project are of legally eligible age and if upon monitoring a child is found working in

the project, appropriate actions will be taken in line with subsections (8) and (9) of this Act.

Prohibition of forced labor

Section 6 of the Employment and Labour Relations Act [CAP. 366 R.E. 2019], provide legal protection to fundamental human right on consented engagement in decent works. Under Sub-section 6. -(1), any person who procures, demands or imposes forced labor defined under provisions of subsection (2) of this Act, commits an offence.

Prohibition of discrimination in the work-place

The Employment and Labour Relations Act [CAP. 366 R.E. 2019], under section 7. -(1) makes it mandatory for every employer to ensure that he promotes an equal opportunity in employment and strives to eliminate discrimination in any employment policy or practice. Direct and indirect forms of discrimination against employees which are punishable by laws as per subsection (7) include on the ground of color, political opinion or religion, gender, HIV/Aids and Harassment of an employee as detailed in subsections (4) and (5). Throughout TIRP II implementation phases, TRC will ensure that sound measures are in place for equal workplace opportunity and strict prohibition of any forms of discrimination from hiring through to end of contract periods.

Freedom of Association

The Employment and Labour Relations Act [CAP. 366 R.E. 2019], encompasses provisions for employers to ensure fundamental rights to freedom of association both for employers and employees as detailed in sections 9. -(1) and 10. -(1) respectively. TRC will ensure that TIRP II workers' fundamental rights to freedom of association is fully exercised and proportionate protection measures are in place for any relevant potential discrimination in line with subsections 9(3), (4) and (5)

Contracts of employment

In accordance with Section 14. -(2) of the Employment and Labour Relations Act [CAP. 366 R.E. 2019], employers shall provide its employees with written employment contracts. The enforceable contracts should be in one of the following types as stipulated under subsection (1):

- (a) a contract for an unspecified period of time;
- (b) a contract for a specified period of time for professionals and managerial cadre; and
- (c) a contract for a specific task.

Further, the Act makes it mandatory for employers to furnish employees with written particulars of employment stating, hours of work, wages, leave entitlements, job description, grievance procedure, benefits, if any, etc. TRC will ensure that, throughout implementation period, all TIRP II project workers are provided with enforceable employment contracts proportionate to their categories and irrespective of full-time, part-time, temporary, seasonal and migrant nature

Hours of work

Provisions of Section 19. -(1) of the Employment and Labour Relations Act [CAP. 366 R.E. 2019] directs that, an employer shall not require or permit an employee to work more than 12 hours in any day and subject to subsection (2), the maximum number of ordinary days or hours that an employee may be permitted or required to work are (a) six days in any week; (b) 45 hours in any week; and (c) nine hours in any day. Any extra worked hours should be treated as overtime and employer must adhere to the associated conditions with regards to employee's consent, a 12-hour maximum working hours, and a minimum payment of 1.5 times his/her basic wage as detailed in provisions of subsections (3), (4) and (5)

Section 25 of the Employment and Labour Relations Act [CAP. 366 R.E. 2019] directs that, if an employee works on a public holiday specified in the Public Holidays Act Public holidays(Cap.93), the employer shall pay

the employee double the employee's basic wage for each hour worked on that day.

TRC will ensure that during the course of TIRP II implementation, the requirements of section 25 of the Employment and Labour Relations Act [CAP. 366 R.E. 2019] are fully complied with other labor requirements in respect of prohibitions, agreements/consents, limits, payment terms and other relevant provisions with respects to Night work, Compressed working week, averaging hours of work are detailed in Sections 20,21 and 22 of the Employment and Labour Relations Act [CAP. 366 R.E. 2019].

Remuneration

TRC will ensure that, the TIRP II project workers remuneration is effected as per the detailed requirements stipulated under Sub-Part C of this Act. Time based Calculation of wage rates in terms of hourly, daily, weekly or monthly rate of payment will be done in accordance with section 26 of the ACT, in line with the table provided for in the First Schedule to ELRA 2019 [Table of calculation of comparable wage rates], but where an employee is employed on a basis other than time worked, that employee shall be considered, to be paid on a weekly basis at TZS 96,931 in line with GN 687 of 2022, on Minimum Wage Ordinance

TRC will also ensure timely payment of project workers after every end of respective contract period in fulfillment of Section 27[Payment of Remuneration] of this Act. In accordance with this section, monetary payment to workers will be done: i) during working hours of the agreed pay day; ii) in cash, unless the employee agrees otherwise, in which case the payment shall be made either by cheque payable to the employee or direct deposit into an account designated by the employee in writing; and iii) in a sealed envelope, if the payment is made in cash or by cheque. TRC will ensure that all payments prescribed in Section 27-(1) of the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]* is accompanied with the provision of a written statement of particulars in the prescribed form, pursuant to Sub-section 27. -(2) of this Act.

TIRP II implementation team will also ensure that, any deductions from employees' wages will only be effected in accordance with the requirements of Section 28 of the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]* and other applicable national laws, including the *National Social Security Fund Act [CAP. 50. R. E. 2018]*. Under this Section, an employer shall not make any deduction from an employee's remuneration unless the deductions are statutory or an employee consents to deductions related to debt, damages, employer's overpayments due to errors etc. TRC will ensure that, any deductions from the project employee's remunerations will only be as per the requirements of stipulated in relevant subsections of Section 28 of the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]*. Additionally, the matters related to worker's welfare management in forms of deductions from wages are also reinforced by the occupational health and Safety ACT No. 5,2003 where unlawful deductions are prohibited under section 94(Prohibition of deductions from wages).

TRC will ensure that, the TIRP II Project workers have a full and timely access to their rights to paid leave in accordance with *Sub-Part D of the Employment and Labour Relations Act [CAP. 366 R.E. 2019]*. In respect of Section 29. -(1) of this Act, employees with less than six months' service are generally not entitled to paid leave, unless they are employed on a seasonal basis or have less than six months' service but has worked more than once in a year for the same employer and the total period worked for that employer exceeds six months in that year.

TIRP II Project implementation team will be obliged to fully adhere to provisions of the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]* which requires the employer to grant leave to entitled employees. Section 31. -(1) of this Act requires an employer to grant an employee at least 28

consecutive days' leave in respect of each leave cycle, and such leave shall be inclusive of any public holiday that may fall within the period of leave. Employees can work during their annual leave subject to their consent and the employer's adherence to provisions on Pro-rata amount payment for accrued annual leave, one-month payment of salary *in lieu* of annual leave to which that employee is entitled or was called upon to work and other conditions as detailed in subsections 31(6), 31(7) of the ELRA 2019. TRC will also ensure the project's fully compliance to the statutory mandatory requirements on Sick leave, Maternity leave, Paternity and other leave as detailed in the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]*, under Sections 32, 33 and 34 respectively

Unfair termination of employment

According to Section 37. -(1) of the *Employment and Labour Relations Act [CAP. 366 R.E. 2019]*, it shall be unlawful for an employer to terminate the employment of an employee unfairly. Pursuant to 37. -(2) of this Act, a termination of employment by an employer is unfair if the employer fails to prove that, that the employment was terminated in accordance with a fair procedure, the reason for the termination is valid and fair reason as detailed in (a), (b) and (c) of subsection (7). TRC will also ensure TIRP II implementation team fully adhere to Subsection 37(5) which requires that, no disciplinary action in form of penalty, termination or dismissal shall lie upon an employee who has been charged with a criminal offence which is substantially the same until final determination by the Court and any appeal thereto. TRC will ensure that termination of project workers' employment will only be in a lawful manner and appropriate remediation actions are adequately functional in case of unfair termination.

Retrenchment procedures

The *Employment and Labour Relations Act [CAP. 366 R.E. 2019]* under Section 38. -(1) provides that, in any termination for operational requirements (retrenchment), the employer shall comply with the relevant standard requirements to (a) give notice of any intention to retrench as soon as it is contemplated; (b) disclose all relevant information on the intended retrenchment for the purpose of proper consultation; (c) consult prior to retrenchment or redundancy on (d) give the notice, make the disclosure and consult, in line with details provided in item a), b), c) and d) of this subsection. Through supervising consultant and own monitoring, TRC will ensure that all project relevant retrenchments will be effected in accordance with the provisions stipulated under Section 38. -(1) and subsequent handling resulting from failure thereof follows the requirements under subsections (2) and (3).

5.0 Brief overview of labor legislation: occupational health and safety

This section sets out the key aspects of the national legislation with regards to occupational health and safety, and how national legislation applies to the different categories of workers identified in Section; Project Direct workers, Contracted workers and Primary suppliers' workers. The two dominating legal instruments relevant to worker's health, safety and welfare are the National Occupational Health and Safety Policy, 2009 and the Occupational Health and Safety Act No.5 of 2003 and have relevant clauses that support ESS2. The overview focuses on legislation which relates to the items set out in ESS2, paragraphs 24 to 30 and WBG EHS Guidelines

The Tanzania Occupational Health and Safety Act No. 5, 2003, provides for the safety and health of persons at work and at the workplace and for the protection of persons other than persons at the workplace against hazards to safety and health arising out of or in connection with the activities of persons in the workplace and to provide for other matters incidental thereto. This Act entrusts the employer with the obligation to ensure the safety and health of all its employees, and also to mitigate risks of exposure to any hazards in the workplace.

The Tanzania legal aspects with regards to the core elements of OHS at work places are briefly discussed hereunder;

5.1 Hazard Identification & Assessment

OSHA encourages workers to cooperate with their employers in identifying the health and safety issues at

work place. The identified risks and hazards should be removed, prevented or controlled. A written risks assessment is specifically directed under section 60 of the OHS Act, where; 60. Every factory or workplace where activities carried out involve Risk hazardous processes or hazardous equipment or use of hazardous chemical substances, likely to result in adverse health effects to people or merit serious damage to property or environment in case of accidents, the employer shall ensure that —

(a) risk assessment annually or any other time when the need for the risk assessment deems necessary is done by an approved inspection authority.

The Occupation health and Safety ACT No. 5, 2003 in several Sections including 34, 43 50, 54-61, 65-76, 95 have asserted the employers to provide and maintain plant and systems and procedures of work that are safe and without risk to workers' health. Employer must ensure safety and risks free environments in connection with the use, handling, storage and transport of articles and substances. Provision of such information, instruction, awareness trainings and supervision on any risks and imminent danger they are exposed to is very crucial to maintain safe and healthy workplace. Means of access to and egress from the workplace should be safe and without risks. Precautionary measure should be taken to eliminate or mitigate any hazards or potential hazard including hazardous wastes to the safety and health of workers.

Although usually (should be) considered as last line of defense to workplace hazards, use of Personnel protective gears(PPEs), Provision and maintenance of effective protective equipment is mandatory OHS Act for the employer if workers are exposed to any injurious or offensive substance or environment. This is specified in sections 62 and [95(2)(i)] about the duty of the employer to provide and ensure usage of standard PPE respectively as follows; Section 62; *Where in any factory or workplace, workers are employed in any process involving exposure to any injurious or offensive substance or environment, effective protective equipment shall be provided and maintained by employer for the use of the persons employed*

Section 95. -(2) Without prejudice to the generality of an occupier's duty under subsection (1), the matters to which that duty extends include in particular —(i) *not to permitting any employee to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;*

Generally, preventive and protective measures should be taken after proper risk assessment (at least once a year) to ensure that all chemicals, machinery, equipment, tools and processes are safe and without risk to health and comply with the requirements of safety and health provisions in this Act. TIRP II Main Contractor will be required to adhere to all OHS Act obligations and prepare Health and Safety management plans (HSMPs) proportionate with additional information and directives from ESHS tools such as ESIA and accompanying ESMPs, to be able to conduct Job Hazard Analysis (JHA) for each task during project implementations at supervisory level and with support from project managerial level.

5.2 Hazard Prevention & Control

OSHA requires Employers to establish and utilize health and safety Procedures to conduct ongoing job hazards analysis. This is beside the initial comprehensive baseline worksite analysis instructed under Sections 60, 95 of the ACT and continue with routine updates and surveys through Job hazards Analyses(JHAs), use of safety leading indicators to identify and evaluate risks before accidents happen as Hazards identification and assessment is an ongoing project, calling for constantly re-evaluating the workplace for possible hazards.

Failure of the employer to protect his/her employees as per the requirements of general obligations (Sec 95), leading to exposure to work-related illnesses and injuries should not lead to victimizations of the latter

as prohibited under in the OHS Act. Section 102-(1) prohibits employee's victimization by employers in form of dismissal, reduction in the rate of his remuneration, altering the terms or conditions of his employment to terms or conditions less favorable to him or alter his position relative to other employees employed by that employer to his disadvantage for reasons including contracting occupational or any other diseases as per item vi under this section.

OSHA Act also provides for employees to do the following as part of active their general obligations stipulated under Section 99 (General duties of employees at work) and HS obligations in hazard identification, assessment and prevention;

- Take reasonable care for the health and safety of themselves and others who may be affected by his/her actions or omissions at work
- Comply with employer health and safety regulations
- Report to the employer or health and safety representative knowledge of any unsafe or unhealthy situation
- Report immediately to the employer or health and safety representative any incident or accident which results in injury

Further although there is no distinction provided under OSHA ACT, all types of workers (Direct, Contracted, Suppliers' etc.) are obliged to act reasonably to reduce the risk of work-related injuries and where loss or injury occurs by fault or negligence of the employee, the law makes them partly liable. It is also worth noting that this has also negative bearings on occupational injuries, fatalities compensations determinations. TIRP II will therefore work to find a healthy balanced linkage between project workers HS obligations and presence of workplace processes put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

Nonetheless, the project Contractor will be required as part of HSMP, to have in place a well prepared, with assurance for no negative actions or reprisal, adequately communicated and understandable refusal to work policy. This is because the Law is silent about what should the employee do at project level, besides only reporting to the Chief Inspector(OSHA), for the failure of the employer to rectify unsafe or unhealthy work situation as described under 99 (2); Where the employer fails to rectify the situation or to make any appropriate measures as reported under paragraph (d) of sub clause (I), the employee shall have the right to report the matter to the inspector.

The Project Contractor's HSMPs which will detail the roles, responsible personnel, procedures will in addition to OSHA ACT and POLICY ensure that the working environment is free of health and safety risks and hazards, the appropriate mechanisms are put in place such regular health and safety training to workers throughout the implementation phase, use of appropriate and adequate safety warning signage, regular monitoring and proper documentation and reporting of project related illnesses from near misses to fatal accidents and their provision of preventive and protection measures. Additionally, project workers under the TIRP II including direct workers, contracted workers, supplier's' workers will be provided with information that is clear and understandable concerning their works and personnel protective equipment (PPEs) in order to avoid risks of exposure to danger or injury, as well as be informed of any known hazards or diseases associated with the work they do as patterns and conditions of employment.

5.3 Education & Training Program

The Tanzania legal framework on workers health, safety and welfare provides several provisions which guides health and safety training programmes and record keeping on the same. These include Part IV in sections 34 & Employers general duties Section 95(2)-(c) of Occupational Health and Safety Act 2003 which provides the requirements for employers to ensure among other matters, a proper and effective trainings for general safety matters as well as for specific aspects such as for Machinery,welding,Hazrdous wastes

handling etc. The employers are obliged to undertake mandatory Health and Safety trainings on the basis of periodically scheduled programs or as driven by the the prevailing workplace needs.

It is therefore a duty of employer to provide free trainings, instructions, supervisions in accordance with the Occupational Health and Safety Act 2003 standards, as necessary and commensurate in ensuring health and safety at work of his workers. Every worker is to be made conversant with the work he is supposed to perform, any article or substance he has to produce, process or transport and any plant/machinery he is supposed to operate and any acts diverging from these requirements is made punishable under the law. TIRP II shall build on these National regulations and enhance with contemporary and project realistic dimensions through the use of requirements of ESS2, ESS4 as informed by ESA.

5.4 Documentation of OHS Fatalities, Injuries, Diseases

Employers are legally compelled to properly document OHS Incidents and accidents for their own improvements in prevention of work-related HS hazardous impacts and for the monitoring purposes of regulatory bodies. Section 101 of the occupational health and safety ACT No. 5, 2003 highlights these obligations regarding notification of incidents or occupational diseases as follows;

101.-(1) Each incident occurring at the factory or workplace or arising out of or in connection with the activities of persons at a factory or, workplace or in connection with the use of a plant or machinery, in which, or in consequence of which –

(a) Any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill from occupational diseases to such a degree that he is likely either to die or to suffer a permanent physical defect or is likely to be unable either to work or to continue with the activity for which he was employed or is usually employed for a period of at least fourteen days;

(b) A major incident occurred; or

(c) The health or safety of any person was endangered and where -

(i) A dangerous substance was spilled;

(ii) The uncontrolled release of any substance under pressure took place;

(iii) a machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects; or

(iv) Machinery ran out of control, shall, within twenty-four hours and in the prescribed manner, be reported to the Chief Inspector by the employer or the user of the plant or machinery concerned, and thereafter send a duly completed prescribed form to be studied within seven days

(2) Any medical practitioner who examines or treats a person for a disease which he believes to be an occupational disease or, any other disease which he believes arose out of that person's employment, shall within fourteen days from the day of examination or treatment and in the prescribed manner report the case to the employer of that person and to the Chief Inspector.

(3) In the event of an incident in which a person dies, or was injured to such an extent that he is likely to die, or suffered the loss of a limb or part of a limb, no person shall without the consent of an inspector disturb the site at which the incident occurred or remove any article or substance involved in the incident therefrom:

TIRP II will establish a detailed statistics for project occupational incidents,accidents and diseases as per results of ESIA and severity level encountered for each category,during the project implimentantion works. With the exception of injuries or illnesses that are classified as privacy cases such as an injury or illness resulting from GBV/ SEA-SH assault, injury or illness to an intimate body part or to the reproductive system, a mental illness, a case of HIV/AIDS infection, hepatitis, or tuberculosis or any other as deemed appropriate, all other entries must be done in OSHA recording forms and project designated field forms. Mandatory recording shall involve all OHS recordable injuries from Near misses, Injuries with Lost time, Medical treatment to fatalities.

On occupational diseases, the Contractor shall be equipped to distinguish and record any significant work-related injury or illness that is diagnosed by a physician or other licensed health care professional. For illnesses, the category of identified work-related/occupational illnesses are anticipated to fall under Skin diseases or disorders, Respiratory conditions associated with breathing hazardous chemicals, dust, gases, vapors, or fumes at worksites, Hearing Loss (Noise-induced) and all other occupational illnesses including blood borne pathogenic diseases, such as AIDS, HIV, hepatitis B, COVID-19. Additional recording will involve Calculating Injury and Illness Incidence Rates. As part of reviewing HS performance, TIRP II will include optional item of determining Injury and Incidents rates in comparison to the construction industry rates on annual basis to support in identify prevailing health and safety problems in project worksites and/or progress by implementations team in preventing work-related injuries and illnesses.

5.5 Provision of Health and Welfare facilities

In line with requirements under paragraph 28 of ESS2, TIRP II will ensure the legal requirements stipulated under PART V of the Occupational health and safety ACT, 2003 are fully adhered to. Relevant Health and Welfare Provisions include Sections 54- (1,2,3,4) adequate, clean and safe drinking water for project workers, 55-(1,2,3,4) on Sanitary conveniences considering the quantity, quality, gender and special needs sensitive to carter for the people with disability(PWDs), Washing facilities and Accommodations for clothing detailed in sections 56-(1-) and 57-(1-2) respectively.

5.6 Emergency prevention and preparedness and response arrangements to emergency situations

OSHA requires properly working emergency facilities such as escape route, ambulances, and first aid services to be available at work places. Parts of the legal requirements are summarized below;

58.- (1) There shall be provided and maintained a first aid box or First Aid cupboard to the prescribed standard and the first aid box or cupboard facilities shall be distinctively marked "FIRST AID" having only appliances or stocks of first aid equipment.

(2) Each first aid box or cupboard shall be placed under the charge of a responsible person who has received first aid training from a recognized institute and who shall always be readily available during working hours.

(3) A notice shall be affixed in every work room stating the name of the person in charge of the first aid box or cupboard provided in that section of the works.

(4) Where an injured person requires further medical attention, as the case may be, a reliable and suitable means of transport shall be provided to transfer the injured person to the nearest medical facility.

TIRP II will prepare an Emergency Response Plan detailing and disclosing how preparedness, prevention and response to anticipated chemicals, biological emergencies including COVID-19, Monkey pox, Marburg and any other highly infectious outbreak occurrences will be handled. Due to inseparable nature of workers and local community's health, safety and security aspects, these arrangements will be coordinated with the Emergency Preparedness and Response measures established under ESS4, where the Project implementing agency(TRC) will collate and support the affected community in executing the prepared measures in levels/extent described in World Banks's EHSs (Section 2). These measures should also be prepared in a manner that considers functionality and user friendliness to all workers and community groups including people with disabilities(PWDs).

5.7 Remedies for adverse impacts such as occupational injuries, deaths, disability and disease

When project's works, working environment or methods in which the sub-projects are performed have resulted into occupational accidents classified as serious injuries, fatality or occupational diseases (depending on severity level), the project has to employ mitigation measures as per the OSHA,2003 in relation to Employment and Labor Relations Act of 2004, NSSF and WCF Acts of 2008. OHS Act provides the obligations of employers preventing occupational incidents and accidents, but when these fails in achieving this first and preferred mitigation measures, it is an obligation of employers to render rehabilitation measures as part of requirements under section 95(general duties of employers or occupiers or self-

employed person), which state; Section 95-(1) stipulates that, it shall be the duty of every employer or occupier to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees and rehabilitation of affected employees.

The Workers Compensation Fund ACT, 2008 has several provisions dedicated to Rights to compensations and Protection (Part 1V), Claims for compensation (Part V), Determination of Compensation (Part VI) to mention few. TIRP II should implement remedies which take into account, as applicable, the wage level and age of the project worker, the degree of adverse impact, and the number and age of dependents concerned should explore linkage with Other relevant legislations including NSFF which also have schemes related to non-fatal and fatal Occupational injuries (E.g. Social Health Insurance, Funeral Grant, Survivors' Pension), but needing a separate individual or special arrangements compared to direct provisions provided under WCF. In implementing the compensation related to occupational diseases, fatalities there should be a whole cycle of baseline, continuing working environment and decommissioning/exit phase health and safety aspects considerations.

The Occupational health and Safety ACT No 5,2003 provides the following requirements for the employer as detailed in Part IV, section 24 as follows;

24. -(1) A thorough pre-placement and periodic occupational medical examination for fitness for employment and for employees shall be carried out by a qualified occupational health physician or where necessary a qualified medical practitioner as may be authorized by the Chief Inspector.
- (2) There shall be an exit medical examination carried out by a qualified occupational health physician.

6.0 RESPONSIBLE STAFF

The following functions are generally responsible for labor and working conditions for the TIRP II Project.

Table 1: Personnel Responsible in Implementation of the Labor Management Procedures (LMP)

Aspect	Party/Unit	Roles and responsibilities
1. Developing Management documents associated with LMP. Project specific HIRAC JSA, GRM ERP Labor Influx Management Plan, SEA/SH Prevention and Response Action Plan, etc.	The Contractor	Development/preparation of C-ESMP and accompanying plans and procedures as per the approved Contractual ESCP defined methodologies
	The Client/Employer • PIU(PIT)/ESHS	Review and Approve Contractors C-ESMPs and related plans including OHS Management plan commensurate to TIRP II's ESHS scope of Considerations, commitments, risks Controls measures
2. Contractor ESHS Competency levels. Project Manager Project Engineer Environmental, Health and Safety Specialist, Social Specialist Medical/emergency group Nurses, SHE reps, First aiders	The Contractor • Project Manager • Health and Safety Manager/Officer (HSM/O) • Health and Safety Representatives	<ul style="list-style-type: none"> • Source and scrutinize Key ESHS personnel as per the Client's TIRP II Contractual benchmarks • Recruit trained and certified medical/emergency team as per OSHA requirements and TIRP II WB standards • Adequate number of fields OHS supervisors to supervise the construction activities should be allocated
	The Client/Employer	Review and deliberate accordingly
3. Management actions on HSE; Training of workers; Induction, Toolbox	Contractor/Sub-Contractor	Implement measures/Controls to the relevant project standards' scale and intensity (Per Contract/ESCP)

Aspect	Party/Unit	Roles and responsibilities
Site Inspections, Audits Job Safety Analysis Accidents/Incidents investigation-RCA, Reporting; Accidents/incidents Emergency preparedness and response Accommodations and sanitation facilities Workers OH&S Consultations	Project Manager	<ul style="list-style-type: none"> • Facilitate and ensure HSE Mitigation measures are undertaken as per the approved tools and allocated costs • Ensure proper selection and Management of subcontractors as per ESCP
	Project engineer	<ul style="list-style-type: none"> • Liaise with HSE expert to ensure JSA, WSM are conducted as per the TIRP II approved procedures and standards
	Health and Safety Manager/Officer	<ul style="list-style-type: none"> • Liaise with other Contractor ESHS personnel to implement the Client's contract specific safety requirements, proportionate to an approved HSMP
	Health and Safety Representatives	<ul style="list-style-type: none"> • Harmonize with site supervisors to ensure that all the works are carried out strictly as per the HSMP; with focus on compliance to communicated TIRP II mitigation hierarchy as per ESS1
	Contracted workers	<ul style="list-style-type: none"> • Adhere to all Contractor's OHS policy requirements, employees' obligations described in OSHA Act, 2003 • Proactively report on any unsafe & unhealthy workplace situations
	The Supervision Consultant <ul style="list-style-type: none"> ▪ RE/ARE ▪ ESHS experts ▪ Civil Engineers 	<ul style="list-style-type: none"> • Ensure TIRP II Contractor materially complies with or exceeds the Tanzania OHS laws and regulations, as well as the set WB ESSs including ESS2

Aspect	Party/Unit	Roles and responsibilities
		<ul style="list-style-type: none"> ▪ Supervise all Project related ESHS aspects, advise, penalize/incentivize on behalf of the Client, proportional to the signed TIRP II Contract
	The Client/Employer	Monitor SC through set out OH&S KPIs
	OSHA/ PMO-LYED	Advise on BOPs when implementing OH&S project requirements, upon inspections
<p>4.0 Management actions on social aspects</p> <ul style="list-style-type: none"> ▪ Terms and conditions; Remunerations, Compensations; terminal benefits, OH&S fatal and non-fatal injuries 	<p>The Contractor/Sub-Contractor</p> <ul style="list-style-type: none"> • Project Manger • Social experts/ Community Liaison Officer • Finance manager/Accounts • HR Manager /Officers 	<ul style="list-style-type: none"> • Determine from the onset the resources and related associated costs that will be required for executing the main and associated works as per project program • Ensure timely & Industry or above minimum industry standards wages, terminal benefits/compensations payments for project workers
<ul style="list-style-type: none"> ▪ Grievance mechanism 	<ul style="list-style-type: none"> • Site supervisors/Foremen 	<ul style="list-style-type: none"> • Ensure project site works are carried out as per the stipulated relevant procedures and standards • Ensure timely, inclusive/transparent and correct site works records keeping. Worked hours, rates, resources etc.
	<p>Supervision Consultant</p> <ul style="list-style-type: none"> • RE/ARE • ESHS Experts 	<ul style="list-style-type: none"> • Properly supervise the Contractor delivers adequately on project social issues • Directly Monitor and evaluate

Aspect	Party/Unit	Roles and responsibilities
	Civil engineers • CLO/Sociologist	contractor workers in relation to project social performance
	The Client/Employer • ESHS experts	<ul style="list-style-type: none"> • Oversee effective functioning of Project GRM • ESHS in liaison with FM/ TRC CF/ Chief of Manpower Development and Administration (CMDA) ensures that Contractor's approved IPS are paid timely and rightly • The TRC assigned Sociologist will supervise the consultant team in managing grievances related to project workers and communities
	M&E Expert	<ul style="list-style-type: none"> • Establish project relevant GRMKPIs • Advise on progress and improvement through analysis of process and output indicators
	• GRMC	<ul style="list-style-type: none"> • To oversee how the Client and Supervising Consultant GRM is performing • Review and resolve unresolved log-standing project grievances
<ul style="list-style-type: none"> ▪ Community Communication 	<ul style="list-style-type: none"> • Social expert/CLO Client/Contractor 	<ul style="list-style-type: none"> • In liaison with the Environment expert, lead implementation of effective community engagement program • A focal person in receiving, processing and resolution of project workers' and community grievances

Aspect	Party/Unit	Roles and responsibilities
Worker's welfare	PMO-LYED	<ul style="list-style-type: none"> • Implement developed mechanism for ensuring the adherence of Local and International Labor Standards and fostering international cooperation in labor matters • Scrutinize applications and issue Work permits and conduct compliance inspections on the same
	NSSF	Ensure TIRP II employer's compliance on NSSF registration, Contributions and eventual payment of the workers
	WCF	<ul style="list-style-type: none"> • Promote worksites prevention of accidents and occupational diseases and • Provide Employees with adequate and equitable compensation for fatal and non- fatal OH&S injuries

7.0 Policies and procedures

The Occupational Health and Safety Act No. 5 of 2003 requires employers to provide and maintain as far as reasonable and practical, a workplace and working environment that is safe and without risks to the health of the persons employed or other persons. The employers are therefore obliged not only to have in place an occupational health and safety policy, but they are duty-bound to inform their employees and stakeholders about potential risks and hazards and measures relevant for preventing the same, as part of implementing the policy. Several guidelines/procedures, responsibilities, health, and safety objectives are detailed in a documented Occupational health and safety Policy as highlighted under section 96 of the same OHS Act. These will be implemented in coordination with other implementation strategies including but not limited to CoC.

Employers are further required under the Persons with Disabilities ACT, 2010 to ensure that the working environment is safe for s with disabilities as directed under section 34(1). It shall be a duty of every employer to: (a) take all necessary measures to improve work environment to prevent injuries and impairment; (b) provide job accommodation and provision of working tools; (c) ensure safe and healthy working conditions for all employees with disabilities; (d) protect employees with disabilities from harassment;

TIRP II is committed to providing a safe working environment through the implementation of risk prevention and reduction strategies (leading safety indicators) that are integrated into all project activities, with an inclusive, consultative, and co-operative approach between project workers from frontline employees to senior management and communities along Central railway corridor on Occupational Health and Safety (OHS) issues as per the National legal framework on OHS and international standards, particularly ESS2 and ESS4, proportionate to the significance of adverse impacts determined during ESA. Despite the preferred cooperative efforts approach for safe work environment, TIRP II will prepare an OHS Policy which clearly describe the responsibilities of stakeholders and the policy will be operationalized trough the following sub-plans/operating procedures.

7.1 Compliance to National and International legal requirements Procedure

The TIRP II Contractor shall ensure not only identification and understanding, but more importantly observe full adherence to all national and international legal requirements relevant to all health and safety legislations, codes of practice and the World Bank standards identified relevant to project operations and project components/subcomponents site activities. The project will therefore ensure availability of a defined and documented process regarding method of worksite level access to, readily availability of communication on changes of existing health and safety legislation, codes of practice and WB standards relevant to the project, as evidenced by among other things:

- Project level process to review company registers and make it specific to the needs of the project (i.e., removal or strike-through of non-relevant reference documents)
- Project legal register at project level
- Specific prompts for identifying health and safety legislation and other requirements
- Reference to the inputs and methods to obtain legislative and other requirements
- Evidence of access by workers at site level
- Communication of access provisions at induction
- Site notice board content
- Process to review the project legal registers at designated frequencies to identify potential changes
- Corrective action or change management process/records

- Process to review the project legal registers

7.2 Hazard Identification Risk Assessment and Control (HIRAC)

Hazard identification and risk assessment are essential steps in providing and maintaining a safe and healthy work environment. Hazard Reporting enables hazards to be identified in all areas of the workplace in order to facilitate assessment and the selection of appropriate and proportionate control strategies. TIRP II Contractor will ensure that there is a defined process to identify and record the potential hazards, assess the level of risk associated with each of the potential hazards and define the controls necessary to manage the hazards. This must include a professionally guided process (by trained expert) of calculating the levels of risk and determining proportionate control measures as per the results of ESA(ESS1) and should involve participation of surrounding community on the determined levels and how risks potentially affecting them can be mitigated.

The TRC through the Supervising Consultant will ensure that the whole process of Hazard identification & risk assessment procedure from methodology, process implementing personnel competency, task relevancy, inclusiveness, actual application, and effectiveness of control measures deemed appropriate for determined overall and task specific risk levels, reflects the project HS objectives.

Throughout the project implementations, the following aspects must form part of the guidance of conformance to this aspect.

- Presence of professionally prepared Risk Matrix
- Availability of Likelihood (probability and exposure) and consequence descriptor
- Project Risk Assessment/Project Risk Register details controls using the Hierarchy of Control
- Other HIRAC outputs, e.g., Safe Work Method Statement (SWMS).
- Project risk assessment controls included in Safe Work Method Statement (SWMS).
- Training program/outline including the Project's HIRAC methods, and associated forms and tools.
- Completed training records (internal and/or external).
- Initial stakeholder meeting minutes with client/public/other entities prior to project commencement.
- Regular stakeholder meeting minutes
- Documented process to evaluate risk assessment outcomes and apply control actions based on the classification level.
- Actions defined are utilized when developing controls to manage the hazard.
- Review criteria for subcontractor procedures incorporate checks for use of the Hierarchy of Control and relevant legal requirements being incorporated into control measures.
- Records of review of HIRAC procedures/methodology and procedures at various company, project, and task levels

7.3 Incident Reporting, Investigation and Corrective Actions Policy

An incident is an unplanned event that has resulted in, or has the potential to result in injury, illness, damage, or loss. The term 'incident' includes accidents and near hits. Incidents should be reported and investigated as soon as practical after the event to prevent re-occurrences. The aim of incident investigation is to identify deficiencies in the occupational health and safety management system and improve the existing system to prevent further incidents, not to ascribe blame.

TIRP II Contractor shall prepare a written incident reporting policy that clearly outlines the project's expectations when an employee experiences a safety related incident at work. Employees should

know to report on-the-job injuries quickly, with the policy specifying the timeframe and responsible person to report to, these will help employees to get help on time, but also provide safety improvements and future prevention of injuries through investigation methodologies such as Root Cause Analysis and in line with the World Bank Environmental and Social incident response tool kit (ESIRT) as the case may be. The contractor will promptly notify to the PIT within 24 hours any incident or accident related or having an impact on the Project which has, or is likely to have, significant adverse effect on the environment, , the affected communities, and the public or workers. They will provide sufficient detail regarding the incident or accident, indicating immediate measures taken to address it, and including information provided by any contractor and supervising entity. Further, the PIT will appraise this to WB.

For these to materialize, there should be a well-defined project process in which the incident investigations are conducted by a trained person and involving employees, causal factors are determined, appropriate corrective actions are taken, and their effectiveness evaluated. The following evidence will form part of performance indicators assessed during monitoring by TRC or Supervision Consultant on behalf of the Project Implementing Agency

- Incident report/investigation process and associated forms
- Process for notifying the Client
- Completed incident investigations
- Completed investigation recommendations
- Company training matrix/register
- Completed training records (internal and/or external)
- Evidence of senior management involvement
- Corrective action form/register
- Review of the corrective actions
- Corrective action deadlines met

7.4 Emergency Preparedness and Response

Health and Safety Emergency issues related to workers and communities will be dealt with as per the Occupational health and Safety Act, 2003 specific provisions and general employer obligations as well as per the requirements of ESS2 and ESS4. TRC will ensure that all aspects of identifying all of the foreseeable project-specific emergencies (e.g., confined space emergency, violence/ armed hold up at camps, major chemical or oil spill, explosion, fire, etc.) that may occur, method of recording them, preparation and regular review of emergency situations response procedures/plans, presence of qualified personnel for emergency situation response including first aid services are in place and functioning.

In addition to real and potential emergencies identified in the project through the ESIA, TIRP II shall ensure that there are some documented contingency procedures for responding to both other unforeseen non-biotic and biotic emergencies by diligently working with relevant Tanzania ministries/departments on emerging localized occurrences and International Organizations including WHO for relevant and updated protocols for emergencies triggering public health emergency of international concern PHEICs including the recent COVID-19, Monkey pox etc. The project ESIA and Contractors' ESMP(s) will also include Emergency Response Plans in accordance with ESS4 that will be mandatory for the construction period and recommended for the operation stage. Content and scope of the plans according to the different identified risks will be described in the ESIA and accompanying ESMP(s).

The project will also ensure that there is a standard process to ensure emergency response arrangements are communicated to all project workers and other stakeholders including local community. At a minimum, the project sites will have the following as part of compliance:

- Emergency preparedness and response procedure,
- Emergency Risk Assessment/Register,
- Emergency Response Plan,
- Listing of emergencies within Project Safety Plan or Project Risk Register,
- Generic Emergency Management Plan updated with project specific emergency situations and actions,
- Site induction for workers and visitors,

- Rescue procedures/training,
- Site noticeboard/sign in area contents,
- Project training matrix/register and completed training records (internal and/or external), emergency contact details, emergency drill schedule, emergency drill records and corrective actions raised, based on drill outcomes, and
- Project first aid assessment, first aid arrangements on site as specified in the assessment, on-site first aid equipment and provisions matching what have been identified in the assessment.

7.5 Company training matrix/register

In addition to generic emergency preparedness and response, the project will have a documented process for managing critical incidents, including the Project's definition of a critical incident; clearly defined roles in critical emergency situation, return-to-work of injured or COVID-19 infected workers, employee assistance/counseling; and the process for review of the effectiveness of critical incident response procedures.

7.6 Drugs and Alcohol in the Workplace

To be able to fully discharge a duty in ensuring that the Project site is not subject to increased risk of injury through the use of drugs and alcohol, the Project Contractor will be obliged to have to establish a sound policy on drugs and alcohol that is implemented in a fair and non-discriminatory manner and with coordination with other tools such as a workers Code of Conduct and Grievance redress mechanism in accordance to applicable laws and regulations. The Contractor is therefore required to have a well-defined process of developing and implementing a sound and clear drug and alcohol policy as well as non-smoking policy.

7.7 HIV/AIDS Policy

In line with the HIV and AIDS Prevention and Control Act, 2008, and National Policy on HIV/AIDS, 2001, the TIRP II Contractor shall prepare a written HIV/AIDS policy detailing issues such as basic human rights including right to work are not infringed by project implementation; HIV infection shall not be grounds for discrimination in relation to education, employment, health, and any other social services. Pre-employment HIV screening shall not be required. For persons already employed, HIV/AIDS screening, whether direct or indirect, shall not be required. HIV infection alone does not limit fitness to work or provide grounds for termination. HIV/AIDS patients shall be entitled to the social welfare benefits like other patients among the employees.

The Employers are also duty bound under the law to develop and implement HIV Prevention and Control measures with mainstreaming gender into these plans for the new transmission of HIV/AIDS among project workers and strategies for mitigating stigma for already infected workers. As one of the occupational illness/diseases in the category of 'All other occupational illnesses', The Contractor prepared HIV/AIDS policy should also adhere to the confidentiality provisions in the UNAIDS, Developing and Using Individual Identifiers for the Provision of Health Services Including HIV, 6–7 (2009), HIV and AIDS Act, 2008 and exception for NOT entering the employee's name on the OSHA Form 300 in Recording Work-Related Injuries and Illnesses.

7.8 Safe driving policies

To minimize the potential impacts of safety hazards associated with project vehicles and machinery operation at project sites as well as on community/public roads, the project must institute safe

driving policies in coordination with other plans and policies including Traffic/Road Safety Management Plans, drug and alcohol policy and relevant national laws and regulations. The TIRP II Contractor must have a defined process detailing procedures, Project workers' involvement, training and implementation of *defensive driving* and *distracted driving policies* to enhance safe driving on project and public roads through training and written restrictions on distractions such as mobile phones and unmanaged conversations with passengers.

The TIRP II Contractor should ensure that there is a verifiable system from identification of traffic related risks, professionally developed and implemented traffic risks management procedures detailed in a construction and pedestrian traffic management plan consistent with relevant national regulatory agencies requirements such as LATRA's. But also, in due consideration of community safety to the levels advised through ESIA. In addition to mitigation of already identified potential project related traffic adverse impacts to workers and communities, these policies, plans and procedures will be monitored for their adequacy in responding to site-specific potential emergencies associated with traffic management. The project will apply measures to ensure safety of nearby communities, road users from project infrastructure and traffic effects caused during construction; in urban areas contractors will be required to implement Traffic/Road Safety Management Plans as part of the C-ESMP.

For compliance and performance monitoring purposes, TRC will need the Contractor to have in place the following at any time during Supervising Consultant field inspections or scheduled Client site inspection, as evidence:

- Project Risk Assessment
- Presence of Traffic Control Plan and Traffic Risks Controls applied with due consideration of the Hierarchy of Control.
- Active SWMS/methodology for installing and removing traffic control devices.
- Traffic control inspection/validation with TMP.
- Ongoing monitoring or inspection records.
- Traffic related Inspection/audit records
- Generic and or Traffic Emergency procedure
- Additionally, TIRP II will also have prepared seat belt safety policy to be signed by all project workers

7.9 GBV/SEA-SH Policy

As one of the anticipated health risks associated with labor influx during TIRP II implementation, Project Contractors should prepare a written GBV/SEA-SH policy in line with Tanzania laws and regulations including Women in Development and Gender Policy, 2000, Sexual Offences Special Provision Act, 1998 (SOSPA) and proportionate with the scale established during ESA. This policy shall be implemented in coordination with other prepared tools including Workers Code of Conduct (CoC), SEA/SH Prevention and Response Action Plan including an Accountability and Response Framework.

7.10 Personal Protective Equipment (PPE) policy

TRC understands that it is not practical that all workers related risks and impacts will be avoided or abated entirely. Nonetheless, TIRP II aims to make reasonable efforts to adhere to a mitigation

hierarchy described in ESS1 which insist at risks and impacts avoidance as first priority and other measures highlighted hereunder:

- (a) Anticipate and avoid risks and impacts.
- (b) Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels.
- (c) Once risks and impacts have been minimized or reduced, mitigate; and
- (d) Where significant residual impacts remain, compensate for, or offset them, where technically and financially feasible.

Personal Protective Equipment (PPE), which is considered as the least preferred method for controlling hazards, in some circumstances might be the only available option to minimize the risk to project workers.

In accordance with the risk levels identified and effectiveness of control measures suggested following detailed ESA, the following are likely going to be part of PPEs that will be required during TIRP II: safety glasses, safety footwear (steel cap boots, shoes, rubber boots, non-slip shoes), safety goggles, face shields, ear plugs, ear muffs, hard hats, welding shields, aprons, overalls, gloves, gauntlets, respiratory protection (dust masks, respirators, self-contained breathing apparatus, etc.), specific confined space equipment and PPE requirements; PPE use in accordance with known or prevailing SDS/SWMS requirements, COVID-19 specific PPE as per available and updated WHO and Country protocols, Monkey pox PPE as recommended by the WHO.

7.11 Transitional/Light duty policy

In case where an employee has suffered an injury amounting to loss of time (LTIs) and /or has contacted COVID-19 infection, there should be in place, basic requirements for rehabilitation (also known as Return to Work/Injury Management) programs to guide all activities associated with ensuring the early return of an injured or COVID-19 infected worker to the workplace. This policy shall work hand in hand with other tools such as Code of Conduct, COVID-19 Contingency Plan/procedure, in line with the ELRA 2004, WCF, 2008, OSHA,2003 and other relevant provisions per Tanzania, International standards namely ILO and the World Bank's. The Project Contractor should have in place the following documentation to be reviewed, approved, and monitored by the Project implementing Agency (TRC) through Supervision Consultant.

- Rehabilitation policy
- Return to Work Plan
- Employee assistance/counseling contact details/procedures

7.12 Health and Safety Consultation and Communication

Consultation with employees on workplace safety is critical to the effective management of health and safety. It is important that consultation arrangements are established in accordance with each legislation requirements. It will therefore be part of all TIRP II project Supervision Consultant experts and supervisor's duties to review the Contractor prepared OHS Implementation Plan, OHS Policy, and procedures on a regular basis to ensure that they are being adhered to and that they comply with legislative requirements.

Proper establishment of TIRP II Work Health Safety consultation, cooperation, and coordination arrangements will be evidenced by among other documents, Minutes where the consultation arrangements have been proposed / discussed / agreed, Minutes of meetings conducted as per regular schedules, and Training records on health and safety for all workers or HSE representative's/committee members. The Project Contractor must also have in place, a documented process for workers or their representative involvement in establishment of health and safety procedures (e.g., SWMS, JHA, SOPs etc.) and communication on HS issue resolution. Project Contractor shall be in a position to furnish TRC or supervising Consultant with the following documentations at any given time during project implementation to ensure adherence to HS project consultation.

- Consultation Statement,
- WHS Issues Resolution Procedure, Induction content and record,
- Site notice board,
- SWMS/JHA/SOPs, etc., with record of consultation, WHS consultation with WHS Rep or WHS Committee

7.13 Stop Work Policy

The Occupational Health and Safety Act No. 5, 2003 has laid down general and specific duties and rights both for Employers and Employees. It is a legal requirement for workers to report to their employer, an unhealthy and unsafe work situations identified through common understanding and/or through their involvement in project HIRARC Process.

In particular, paragraph (d) of sub clause (I) state that; 99- [(1) (d)] if any situation which is unsafe or unhealthy comes to his attention, as soon as practicable he shall report the situation to his employer or to the health and safety representative of the factory or workplace or section thereof, who shall subsequently report it to the employer. In line with paragraph 27 of ESS2 and in addition to the requirements of section 99-(2) OHS ACT, the project workers should stop working and remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

Consequently, the Project Contractor should prepare and implement a written policy with clear procedures to be followed by workers without any subsequent reprisal exclusively stemming from genuine intentions of employees to protect themselves from prevailing worksite unmitigated risks, contrary to Employer's legal obligations to OSHA and international standards including ESS2.

This policy will be implemented together in coordination with other policies and procedures including Workers Code of Conductors training policy, GRM, PPE Policy, Project Safe Work Procedures, HIRAC and any other relevant plan/procedure as deemed applicable under OSHA and ERLA, 2003, 2004 respectively and as part of Contractor's compliances to ESHS obligations under this aspect, the TIRP II implementing agency will demand worksite presence and functioning.

- Project Risk Assessment and SWMS/JHA/SOPs etc. with record of consultation
- Company training matrix/register and records
- Workers Reporting procedure
- Duly filled Machinery, Equipment Inspections, and maintenance checklist
- WHS Issue Resolution Procedure

8.0 Age of employment

Section 59 of the Tanzania Employment and Labor Relations Act, CAP 366, R.E 2019 states that no child under 18 years shall be employed in any sector that involves hazardous work or work that is likely to harm the child's health and safety, or morals. Section 60 of the same Act prohibits the employment of children under the age of 18 in certain occupations, such as work that involves dangerous machinery or exposure to toxic substances. Tanzania has ratified ILO Convention No. 138 on minimum age and Convention No. 182 on the Worst Forms of Child Labor.

Due to the hazardous nature of project activities, including track and steel works, construction, and land/vegetation clearing, the project has established a minimum age of 18 years for employment for all project workers. There is the risk, however, that persons employed or engaged as unskilled workers or other worker categories either directly hired by TRC or through contractors or subcontractors, or by primary suppliers, including those involved in producing and providing gravel and other materials, might be persons under 18 years of age undertaking activities constituting child labor.

TRC will undertake monitoring, at a minimum every six months, of all project workers, to ensure that all contractors, subcontractors, and primary suppliers engaged in the project are not employing or engaging anyone under 18 years of age for work in relation to the project. The project will use the following process, prior to the employment or engagement of an applicant for work on the project, to verify the person's age. TRC will ensure that each contractor, subcontractor, and primary supplier also uses this process and provides TRC with written confirmation that each worker they employ or engage in relation to the project is at least the minimum age of 18 years. This following information will be kept on file in the TRC responsible for administrative offices:

- Written confirmation from the applicant of their age; and
- Where there is reasonable doubt as to the age of the applicant, requesting and reviewing available documents to verify age (such as a birth certificate, national identification card, medical or school record, or other document or community verification demonstrating age).

If a person under the minimum age of 18 is discovered working in relation to the project, TRC will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person. To ensure that the best interests of the child under 18 years are considered, TRC will undertake, and ensure that all contractors, subcontractors, and primary suppliers also undertake, remediation within a reasonable time period agreeable to the World Bank. The remediation activities could include, among other options:

- Enrolling the child in a vocational training/apprenticeship program, but which does not interfere with the child's completion of compulsory school attendance under national law.
- Employment of a member of the child's family, who is at least 18 years of age, by the primary supplier, contractor, or subcontractor for project-related or other work.

9.0 Terms and conditions

Terms and conditions of employment for TIRP II will be governed by the Employment and Labour relations Act, 2004 as principle legislation and its subsequent revisions, including the current (CAP 366, R.E 2019). For all Project workers, generally, terms and conditions detailing specific wages, hours and other provisions that apply to the project, maximum number of hours that can be worked on the project, collective agreements that apply to the project will be dealt with as per the applicable National Laws, regulations and procedures described in this LMP. Specific terms and conditions covering engagement and management of all types of Project workers including seconded, temporarily attached TRC workers and individual consultants will be made clear as more special requirements becomes clear but will be within the Tanzania legal framework and acceptable conditions as per the Bank's standards. Nonetheless, TIRP II workers will be informed well in advance on how their Employer will contractually maintain or enhance their social and economic wellbeing as per paragraph 10 of ESS2.²

Some key terms and conditions related to project workers are as summarized below.

9.1 Total Working hours

The TIRP II PIT will ensure onsite compliance of project Contractor to the requirements of section 19[(2) (a, b, c)] of ELRA, 2004 where an employee may work for nine (9) hours inclusive of a one (1) hour meal break per workday, forty-five (45) hours a week, and a maximum of six (6) days a week. Any deviations from these requirements should be dealt with through provisions of the law, particularly on overtime and public holidays.

9.2 Night work

Due to the project implementation nature, which may involve 24-line blocks to compensate for time

used up by train movement (live line), some works may extend to night hours or there might be full night shifts for some work sections. TRC PIU will ensure that, as per Section 20 (4) of the ELRA, 2004, (CAP. 366 R.E. 2019), the main Contractor compensate employees working under difficult conditions such as work during the night hours at least five percent (5%) of their basic wage for every hour worked at night and if the hours worked are overtime hours, the 5% shall be calculated on the employee's overtime rate. However, some categories of workers are prohibited from night work including pregnant workers two months before delivery, mothers two months after delivery, children under the age of eighteen (18) and anyone medically certified as unfit for night work.

9.3 Rest Periods

It will be the obligation of the supervising consultant to ensure that, the main contractor's site supervisors adhere fully to the requirements of ELRA 24-(1-4) which describes legally recognized rest times and conditions for employees to work during weekly rest periods. Employees are entitled to a sixty (60) minute break over a five (5) hour period of consecutive work. Employers must allow workers to have a daily rest of up to twelve (12) hours between ending and commencing work; and a weekly rest of up to twenty-four (24) hours.

9.4 Deductions

In line with paragraph 11 of ESS2, any deductions from payment of wages will only be made as allowed by national laws and regulations including the ELRA, 2004, National Social Security Fund Act [CAP. 50. R. E. 2018] and project workers will be informed of the conditions under which such deductions will be made. TRC PIU will oversee contractor's full adherence to Section 24 of ELRA which covers a range of requirements and basis under which deductions from employee's lawful enumeration can be made.²

9.5 Leave

It will be one of Supervising consultant's duties to ensure that the main contractor fully adhere to national legislative requirements on employees leave entitlements. As highlighted under Sections 29-34 of ELRA, 2004, employees are entitled to paid Annual leave (28 days inclusive of public holidays), sick leave (126 days in a 36-month cycle), maternity (84 days in a 36-month cycle), and paternity leave (3 days) and compassionate Leave (Family Responsibility Usually Leave 4 days). However, other types of leave may be negotiated in liaison with TAMICO through collective bargaining and documented. TRC PIU will monitor compliance levels in this important requirement and take necessary actions in cases of deficiencies.

9.6 Termination of employment

With exception of unfair terminations, both parties to an employment contract have the right to terminate employment as per the ELRA and Employment and Labor Relations (Code of Good Practice) Rules, 2007 (GN No. 42, 2007). TRC through supervising consultant will ensure that, no unfair termination of project workers contracts prevails, and appropriate remediation are applied if these occurs.

10.0 Project workers grievance mechanism

Despite the GRM prepared under the requirements of ESS10, a direct and contracted worker specific

² Consistent with Paragraph 10 of ESS2, 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 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 this ESS. 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.

GRM will be prepared proportionate to the nature and scale of potential adverse labor related risks and impacts identified during a detailed ESIA. The GRM will be characterized by promptness in resolving concerns, applying understandable and transparent process that provides timely feedback to the aggrieved, in a language they understand, without any retribution and operated in an independent and objective manner

Although the guiding principle for conflict or grievance resolution will be to resolve the issues quickly and at the lowest possible level, ideally within the worker's employment and relations accepted procedures, the prepared mechanism will not impede access to other judicial or administrative remedies that might be available under the relevant national legislative framework or through existing arbitration procedures. Measures to address concerns related to health, safety and welfare of the project workers can include both formal and informal mechanisms. It is preferable to resolve such complaints at an individual level in cooperation with worker's union within existing project workers-level grievance or compliant mechanisms and involving low level PIT ESH hierarchy.

As part of sub-plans associated with a site specific Environmental and Social Management Plan (ESMP), the Project Contractor will be required to submit a grievance redress mechanism that describes the procedures that will be followed by the contractor to address grievances/complaints raised by the project workers. The document should be able to provide step by step clarity and predictability on how grievances/complaints will be received, assessed, sorted, resolved, and monitored. As per the assessment conducted during ESIA and risks and subsequent hazards analysis done by the Contractor during project implementation, the Project workers' grievances must be categorized per their risk levels and the mitigation measures outlined accordingly. The anticipated adverse risks and impacts related to project workers as listed in section in 2.4 above will also support to inform the mitigation measures to be prepared and implemented diligently by the project Contractor. Workers must be informed during the induction sessions at the beginning of the project regarding their rights, respective procedures to be followed and responsible personnel to be contacted in case of any concerns that need to be resolved before escalating to higher risk levels. For health and safety concerns, there should be options including refusal to work in dangerous environment well defined in refusal to work policy.

11.0 Contractor management

For contract bidding and contracts for the Project, TRC will use the World Bank's 2017 standard procurement documents, which include labor, and occupational health and safety requirements. TRC will incorporate standard language, based on project requirements drawn from ESS1 Annex 3: Management of contractors, the Borrower will manage all contractors in an effective manner, including:

- (a) Assessing the environmental and social risks and impacts associated with such contracts;
- (b) Ascertaining that contractors engaged in connection with the project are legitimate and reliable enterprises, and have knowledge and skills to perform their project tasks in accordance with their contractual commitments;
- (c) Incorporating all relevant aspects of the ESCP into tender documents;
- (d) Contractually requiring contractors to apply the relevant aspects of the ESCP and the relevant management tools, and including appropriate and effective non-compliance remedies;
- (e) Monitoring contractor compliance with their contractual commitments; and
- (f) In the case of subcontracting, requiring contractors to have equivalent arrangements with their subcontractors, ESS2, ESS4, guidance note by IFC and the EBRD on Guidance Workers' accommodation: processes and standards, sections of the World Bank Environmental and Social Framework and supporting documentation, in the tender and contract documents to ensure potential bidders are aware of the environmental and social requirements to be met under the project. Tender documentation should note that the contractor/subcontractor shall actively collaborate and consult

with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as providing information and training on occupational safety and health, and provision of personal protective equipment without expense to project workers.

Project workers who remove themselves from dangerous work situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removing themselves from such dangerous situations. TRC will also state in the tender documentation that adherence to national legislation regarding labor and employment relations and occupational health and safety is a prerequisite for participation in the project.

TRC will also include in the tender documents provisions that forced labor, child labor, discrimination in hiring and employment based on gender, disability, ethnicity, or other personal characteristics unrelated to work requirements, sexual harassment in the workplace, and sexual exploitation and abuse are prohibited and may be grounds for removal of the contractor from the Project.

TRC will require bidders for contracts for the Project to agree to and implement a workplace Code of Conduct that includes provisions prohibiting any form of sexual exploitation, assault, or harassment of Project workers, as well as sexual exploitation or sexual assault of persons in local communities

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affected by the project, and any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage.

The CoC will apply to all persons employed or engaged, including persons employed or engaged through contractors and subcontractors, in relation to the project. TRC will require bidders for contracts for the project to submit a statement confirming their firm compliance with national labor and employment and occupational health and safety laws, and labor management procedures in accordance with Environmental and Social Standard 2 “Labor and Working Conditions” (ESS2) and the LMP for the project.

TRC will make reasonable efforts to ensure that parties awarded contracts for the project are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labor law, unresolved labor disputes, or frequent work-related accidents. As part of the selection process for contractors, TRC will request and review from prospective contractors the following information: -

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies.
- Business licenses, registrations, permits, and approvals; - Documents relating to a labor management system, including OHS issues, for example, labor management procedures.
- Identification of labor management, safety, and health personnel, their qualifications, and certifications; - Workers’ certifications/permits/training to perform required work; - Records of safety and health violations, and responses; - Accident and fatality records and notifications to authorities.
- Records of legally required worker benefits and proof of workers’ enrollment in the related programs.
- Worker payroll records, including hours worked and pay received; and
- Identification of safety committee members and records of meetings

During the implementation of the contract, TRC will require that contractors submit monthly reports on EHSS compliance. The report should include the number and status of project workers, the number of hired and terminated employees in the given period, the number of hours worked, overtime, regularity of payment, OHS issues (injuries and fatalities, if any), safety measures, grievances raised and resolved, training provided/attended, incidents of non-compliance with national law or the LMP.

12.0 Community workers

As noted elsewhere in this LMP, the project will not use community workers (as that term is specifically defined in ESS2, Section B)

13.0 Primary supply workers

TRC will ensure that all purchase orders and contracts with primary suppliers contain specific provisions prohibiting child labor and forced labor, and mandating compliance with all national law worker health and safety standards and with relevant OHS requirements of ESS2

TRC will make reasonable efforts to ensure that parties engaged as primary suppliers for the project are reliable law-abiding entities that do not have a history of problems relating to disrespect for national labor law, unresolved labor disputes, or frequent work-related accidents.

TRC will ensure that no person is employed or engaged in relation to the project under circumstances that would constitute forced labor or the result of labor trafficking.

TRC will maintain records of the recruitment circumstances as well as the written employment contracts of all project workers, including persons engaged through contractors, subcontractors, and primary suppliers. TRC will also conduct periodic inspections, at least once every six months, of primary supplier employment records to verify consistency and compliance with the law in relation to recruitment of workers and provision to all workers of a written signed employment contract in English or Kiswahili, depending on the worker’s preference.

To address the risk of forced labor, victims of labor trafficking, and child labor among primary suppliers, TRC will undertake due diligence to identify primary suppliers and the extent to which these risks might be present in their activities for the project. If forced labor, victims of trafficking, or child labor is discovered in a primary supplier’s workforce, TRC will act promptly to address the issue, including referring the matter without delay to the relevant government authorities, as well as relevant government or NGO trafficking victims’/forced labor victims’ support services, as appropriate, to be addressed in accordance with Tanzania law.

Where there is a significant risk of serious safety issues related to a primary supplier, TRC will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues, which TRC will review every four months and more frequent in case of serious safety issues to ascertain their effectiveness. Where forced labor, trafficking, or child labor is identified, TRC will require the primary supplier to report the situation to the police and other relevant government authorities. Depending on the circumstances, TRC will discontinue use of that primary supplier and instead use primary suppliers that can demonstrate they are meeting the relevant requirements of Tanzania law relating to forced labor, child labor, trafficking in persons, and occupational health and safety.

14.0 Labor Management Plan (LMP) Implementation Budget

Several activities will be implemented to ensure the LMP is well implemented throughout project phases. Among of these activities are not limited to awareness and training sessions as well as disclosing of poster and flyers addressing LMP and GRM issues. Table 2 provides the estimated budget for LMP implementation

Table 2: Estimated Budget for the Implementation of this Labor Management Plan (LMP)

Activity	Implementation timeframe	Estimated cost (USD)
Sensitization and training on implementation of LMP to project contractor, sub-contractors, and other implementing partners	Semiannually	40,000
Sensitization of all workers on their rights and obligations as per the LMP (code of Conduct, GBV-SEA prevention, workers’ and project GRM etc.)	Quarterly	50,000
Training of trainers to be cascaded to all workers on health and safety at work (safe use of equipment and lifting techniques, correct use of PPE, HIV awareness, COVID-19, etc.) GBV and SEA	Semiannually	60,000 ³
OHS training on emergency prevention and preparedness and response arrangements to emergency situations ⁴	Quarterly	30,000

³ Assuming a separate budget for a competent, approved HIV/AIDS Service provider is already in place

⁴ Please note: These arrangements will be coordinated with the Emergency Preparedness and Response measures established under ESS4

Activity	Implementation timeframe	Estimated cost (USD)
Implementation of workers' grievance and redress mechanism	Daily	20,000
Publication of awareness materials	Semiannually	20,000
Monitoring contractor's compliance with regards to the existing LMP	Monthly	60,000
Total		280,000

ANNEXURES

ANNEX 1: SAMPLE CODE OF CONDUCT FOR PROJECT WORKERS

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards, Preventing Gender Based Violence (GBV), and valuing the surrounding Natural Resources.

I, [INSERT NAME OF PROJECT WORKER]_____, acknowledge that my adherence to national environmental, social, health and safety (ESHS) laws, compliance with the project's occupational health and safety (OHS) requirements including in relation to COVID-19, and preventing gender-based violence (GBV), and respect for natural resources is a requirement of my job duties. I am aware that all forms of GBV, such as sexual exploitation and assault and sexual harassment, are unacceptable, whether at the project worksites, at worker camps where project workers are accommodated, or in the local communities around project worksites and worker camps.

[GIVE NAME OF CONTRACTOR COMPANY/EMPLOYER/TIRP II PROJECT] considers that failure to comply with ESHS and OHS laws, or to engage in GBV activities, constitute acts of gross misconduct and are grounds for sanctions, penalties, or termination of employment. I am aware that [GIVE NAME AGAIN OF CONTRACTOR COMPANY/EMPLOYER/TIRP II PROJECT] will cooperate with the government authorities in prosecuting anyone involved in committing acts of GBV.

I agree that while I am working for the project, I will:

- Attend and actively participate in training courses related to ESHS, OHS, HIV/AIDS, and GBV, as requested by my employer.
- Shall wear my personal protective equipment (PPE), in the correct prescribed manner, at all times when at the work site or engaged in project related activities.
- Take all practical steps to implement the [CONTRACTOR COMPANY/ TIRP II PROJECT]'s environmental and social management plan.
- Implement the occupational health and safety management plan(s) established by the [CONTRACTOR COMPANY/TIRP PROJECT] Management Plan.
- Adhere to a zero-alcohol policy during work activities, and refrain from the use of illegal substances at all times.
- Consent to a police background check.
- Will agree to undertake all health screening and other measures required by national law and 29 the requirements of the contractors and ZESTA project in relation to COVID-19.
- Treat women, children (persons under the age of 18), and men with respect regardless of gender, race, color, language, religion, political or other opinion, gender identity, national, ethnic, or social origin, property, disability, birth, or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not participate in sexual contact or activity with any person under 18 years of age— including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not engage in sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including subtle acts of such behavior. [examples include looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life; etc.]
- Not engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.

- Unless there is the full consent by all parties involved, I shall not have sexual interactions with any member of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex.
- Consider reporting through the GRM (Grievance Redress Mechanism) or to my manager any suspected or actual GBV by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

Sanctions for Non-Compliance with this Code of Conduct: I understand that if I breach this Individual Code of Conduct, my employer shall take disciplinary action which could include:

- Informal (verbal) warning.
- Formal (written) warning in accordance with Regulation of the Employment and labor Relations Act No. 6, Cap 366, R.E 2019
- Additional Training to address the problem relating to the worker’s conduct, such as training on gender-based violence/sexual harassment.
- Loss of up to 50 percent of one week’s salary in accordance with the Employment and labor Relations Act No. 6, Cap 366, R.E 2019
- Suspension of employment (without payment of salary), for a minimum period of 1 month upto a maximum of 6 months.
- Termination of my employment per written notice in accordance with the Employment and labor Relations Act No. 6, Cap 366, R.E 2019; or
- Report the incident/conduct to the police.

I understand that:

- 1) It is my responsibility to ensure that I comply with all project environmental, social, health and safety standards, including in relation to COVID-19; 30
- 2) That I shall adhere to the project occupational health and safety management plan.
- 3) That I shall avoid actions or behaviors that could be construed as GBV, including sexual harassment.
- 4) That I shall avoid any actions involving harvesting, collecting, hunting, fishing, or disturbing the wildlife or any project worksites or work camps.

Any such actions relating to “1)—4)” above shall be a breach of this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV issues, and violations of full respect for wildlife. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action against me and possible termination of my employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ANNEX 2: OHS Requirements for Project Workers and Suppliers

The TRC endeavors, in all its projects and operations, to prevent personal injuries, ill health and damage to property. To guarantee this, TRC shall implement the Pre-Qualification Checklist for all contractors to ensure that the contractors have OHS management systems and program; project specific OHS plan; safety training provided to management and workers; competency, availability and qualifications of construction safety managers and staff; and OSH inspection processes to be implemented.

This Project Occupational Health and Safety Requirements (here after referred as Plan) have been designed to assist the management of activities and support a risk-based approach to preventing dangerous acts that could lead to injuries or illnesses or serious incidents at workplace as well as supply of goods and services. The plan will ensure that workers and suppliers will exhibit professionalism in performing their duties effectively and efficiently. The purpose of this plan is to establish a uniform and comprehensive process for prompt investigation and reporting of incidents, property damage, near misses, and significant Environmental, Health and Safety incidents. This plan is intended to provide the minimum OHS requirements that all service providers / contractors and subcontractors shall be required to adhere to; it shall be appended to the contracts.

This Plan is a live document that will be reviewed on a need basis and updated if necessary.

A. Local laws, Regulations and other Compliance Requirements.

Project implementation will adhere to the relevant Health and Safety legislation requirements in Tanzania. This should also include the relevant requirements of interested parties that have been identified in the ESIA. A check for legal compliance shall be undertaken to ensure that this project is compliant with the legal and other requirements:

- a) The National Occupational Safety and Health Policy, 2009
- b) Public Health Act, 2009,
- c) Occupational Health and Safety Act, 2003, and
- d) HIV/AIDS Prevention and Control Act, 2008.
- e) WB ESF

WBG EHS Guidelines:

- f) WB EHS General Guideline;
- g) WBG EHS Guidelines on Occupational Health and Safety
- h) WB Guidelines for Railways
- i) WB Good Practice Note for Road Safety;

B. General Requirements

Personal Protective Equipment (PPE) includes all equipment or apparel designed to provide workers with a barrier against workplace hazards and exposure. The equipment should protect the; head, eye, face, body, and foot. PPE protects workers/suppliers from the effects of exposure to chemical, physical, and safety hazards. Project workers / suppliers (for the contractors and sub-contractors) who are exposed to work related physical and safety hazards that could cause injury or illness are required to wear PPE. Determining the existence of these hazards is a process referred to as "hazard assessment" and is also known as a "job safety analysis" (JSA) or "job hazard analysis". This process is the critical evaluation of a work site to document the existence of a hazard, the severity of the workplace, and the specific PPE that will be used to protect employees from that hazard. Each hazard assessment must be included in the site specific health and safety plan. Component Managers will be responsible in ensuring the suppliers and contractor / sub-contractor workers develop project-specific job hazard analysis for tasks they are to conduct and for incorporation in Health and Safety Plans (HASPs) in accordance with

Occupational Health and Safety Act of 2003, ESS2 and ESS4. TRC will establish PPE requirements, job hazard analysis procedures, and improve operational procedures through the use of this document. Preventing workplace injuries within TRC is the principle purpose of job hazard analysis. This document will provide a basis for studying and recording each step of a job, identifying existing or potential job hazards (both safety and health), determining PPE requirements and establishing the best way to perform the job to reduce or eliminate these hazards. At a minimum, HASP shall be developed by all the suppliers, contractors and sub-contractors for each Lot, the HASP shall outline the hazards and risks associated with the tasks needed to be performed and include proper control methods including the use of proper PPE and engineering controls and the oversight competent key personnel in place.

RESPONSIBILITY: The Project Coordinator and Environment, Health and Safety Officer (EHS) are responsible for all facets of this OHS requirements and has authority to make necessary decisions to ensure success of the project. The Project Coordinator and EHS Officer are the sole persons authorized to amend these instructions on OHS requirements in consultation with the Project Implementation Unit (PIT).

C. Incident Reporting

Provides the minimum requirements for the investigation, reporting and recording of incidents which result in injury or illness to a person, or damage to any property, in order to insure compliance with national regulations and the WBG general and Railways EHS guidelines; contract provisions, insurance policy requirements and to prevent recurrence. All incidents (fatality or serious injury) shall be investigated and reported within 24 hours to TRC and World Bank and recorded pursuant to the requirements of this section. The following potential ESH incidents include, but not limited to:

- a) Occupational Health and safety related incidents like slips, falls from heights,
- b) Fire emergency
- c) Road accidents project staff or contractors staff
- d) Security risks like banditry for food suppliers
- e) Improper food hygiene, contamination leading to food poisoning

D. Incident Investigation

An investigation should be initiated immediately following any incident. The scene of the incident must be immediately secured so as to not damage or destroy evidence that may be necessary during the investigation. In general, information should be gathered and provided in written format using prepared Incident Report Form capturing the information captured in section L: Incident Report.

E. Determine the Root Cause

Conduct root-cause analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labour should also be assessed.

- Recommend actions to be taken to rectify the failure(s) that led to the incident.
- Review the safety procedures at different sites and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents. Relevant site visits should be carried out to support the analysis. Health and Safety representatives of the Contractors and implementing agencies, as well as other technical counterparts as necessary should be interviewed to gain a comprehensive understanding about health and safety management.
- Review the OHS measures in E&S instruments and plans in construction contracts and recommend enhancements as needed. The assessment should identify what the existing procedures for safe performance of construction activities (excavation, scaffolding, working at

heights, welding, etc.) are and should recommend appropriate procedures should the existing ones have gaps.

- Review the capacity of Contractors and supervision consultants to implement OHS standards. The assessment should review the training plans for skilled and unskilled labour for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.
- Review the existing arrangements for recruiting labour and what type of insurance (life or injuries and occupational health risks) and compensations are provided.
- Review compliance to the Labour Law and other international treaties by Contractors or Subcontractors.
- Assess the sufficiency of the measures that the Contractors take to minimize risk on the local communities and communicate with them. Recommend improvements as necessary.

F. Determining Corrective Actions

Once the real root cause and all contribution factors are identified, the next step is to use the Hierarchy of Health and Safety Controls to identify appropriate corrective action. The single most important outcome that results from an incident is the implementation of an effective, high-level safety most important outcome that results from an incident is the implementation of an affective, high-level safety control that eliminates the possibility of the incident reoccurring. All project workers shall be required to fully abide by the Code of Conduct in compliance with the project Labour Management Plan.

G. Job Safety Analysis

Once the tasks and general hazards have been identified, the identified hazards will need to be controlled/reduced, as appropriate. The following procedures are examples of control mechanisms for the hazards identified:

H. Potential Hazard Controls

- a) Noise Hazards – Hearing protection will be worn by all personnel operating or working within the vicinity of equipment emitting noise level; when noise is sufficient to interfere with general conversation at a normal speaking volume; when noise levels exceed 85 dBA; and/or when TRC requirements indicates that it's usage is mandatory to use ear muffs;
- b) Vibration - Exposure to hand-arm vibration from equipment such as hand and power tools, should be controlled through choice of equipment, and limiting the duration of exposure. Exposure levels should be checked on the basis of daily exposure time and data provided by equipment manufacturers;
- c) Electrical Hazards – Exposed or faulty electrical devices, such as circuit breakers, panels, cables, cords and hand tools, can pose a serious risk to workers. Avoid operating electrical equipment in a wet floor or environment. If equipment must be connected by splicing wires, all electrical work must be performed by a licensed and competent electrician;
- d) Vehicle Driving and Site Traffic: Poorly trained or inexperienced vehicle drivers have increased risk of accident with other vehicles, pedestrians, and equipment. SMP delivery vehicles if not managed well represent potential collision scenarios. The project will hire competent defensive drivers with experience over 7 years;
- e) Ergonomic Hazards – Proper lifting techniques such as keeping the back straight and legs bent, shall be utilized when lifting equipment or loading/offloading of the things from the trucks. If the lifting cannot be lifted in this manner, if it is too heavy to lift alone. Call other personnel, or use a mechanical device for lifting;
- f) Hazard due to Working at Heights: Fall prevention and protection measures should be implemented whenever a worker is exposed to the hazard of falling more than two meters; when through an opening in a work surface. Fall prevention / protection measures may be warranted on a case-specific basis when there are risks of falling from lesser heights.
- g) Fire Hazards –the use of hand held drilling machine during construction may lead to electric

short circuit leading to potential fire hazard. All electrical works should be performed by trained and qualified experts.

h) Protection against possible risks as provided in the Public Health Act and in tandem with the OSH Act, 2003 and in view of COVID-19 related risk will be managed through:

- Arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of construction materials;
- Ensuring that workers or suppliers participate in the application of Infection prevention and control (IPC) safety and health measures / guidelines as advised by Ministry of Health including availability of hand wash facilities, water and soap, alcohol-based hand sanitizer;
- Provision of such information, instructions, training and supervision as is necessary to ensure the safety and health at work of every worker or suppliers;
- Mandatory provision and use of appropriate Personal Protective Equipment (PPE) shall be required for all project personnel including workers and visitors;
- Train cleaning staff in effective use of PPE, cleaning arrangement and procedures and disposal of waste generated from the work site.

I. Emergency Response Procedures

The Emergency Operations Coordinator-EOC (Contractor's E&S Officer) is the person who serves as the main contact person incase of an emergency. The EOC is responsible for making decisions and following the steps described in this emergency response plan. In the event of an emergency occurring within or affecting the worksite, the primary contact (Site Safety Officer for the suppliers, contractor and sub-contractors) will serve as the EOC. If the primary contact is unable to fulfill the EOC duties, the secondary contact will take on this role:

Primary contact:

Name:.....

Telephone number:.....

E-mail:.....

Secondary contact:

Name:.....

Telephone number:.....

E-mail:.....

Emergency contact numbers

- (i) Ambulance.....
- (ii) Police.....
- (iii) Hospital.....
- (iv) Fire Brigade.....
- (v) Traffic Police.....

Potential emergencies

The following potential emergencies have been identified in hazard assessments:

- (i) Occupational Health and safety related incidents like slips, falls from heights,
- (ii) Fire emergency.
- (iii) Road accidents project staff or contractors staff,

Location of emergency equipment

- a) Fire Alarm
- b) Fire extinguisher
- c) Fire horse
- d) Panic Alarm Button

- e) Personal protective equipment
- f) Emergency Communication Equipment (satellite phones, radio calls, etc.),

Training requirements for emergency response

- a) Type of trainings.....
- b) How often are employees trained.....

Employees trained in the use of emergency equipment

- a)
- b)

First Aid Kits

- a. Type of first aid kit with all prerequisite materials
.....
- b. Location of first aid kit within the working site and in the contracted Trucks for delivering construction materials
.....
- c. Transportation for ill or injured employees to the nearest hospital for medication.
.....

First aid attendant (employee trained in first aid)

Name:.....
 Location:.....
 Shift or hours of work:.....

Communications

We will communicate our emergency plans to employees in the following way:

- a) Code of conduct
- b) Employment contract commitment,
- c) Tool Box Talks
- d) Official Notice boards
- e) Brochures

In the event of fatality or a disaster, we will communicate in the following way with the PO-RALG/TARURA and World Bank:

Official letter in the contractors headed paper to PO-RALG/TARURA, who will transmit the information to the World Bank within 24 hours of the incident.

J. Procedures for rescue and evacuation

- (i) Evacuation route clearly demarcated,
- (ii) No obstruction within the walkways,
- (iii) All suppliers, contractors and sub-contractors will be required to have an insurance Covers for the Group Accident Cover and Medical Insurance cover which have the evacuation channels in case of accidents for the casualties.
- (iv) Clearly and legible located, copied, and posted building and site maps evacuation routes,
- (v) Mock Fire Drills and practice evacuation procedures should be done at least 4 times a year.
- (vi) All workers must leave the workplace quickly in strict adherence to this evacuation procedure,
- (vii) Warning System: The warning system will be tested 4 times a year,
- (viii) Assembly site is clearly demarcated and legible poster available,
- (ix) Site Safety Officer is the person responsible for issuing all clear safety instructions,
- (x) Shelter in Place to be oriented to all workers: in case of emergency, all workers will be provided with the emergency supplies, if any, by the suppliers, contractor or sub-contractors in the shelter location and which supplies individuals should consider keeping in a portable kit personalized for individual needs.

Employee emergency contact

No.	Employee Name	Designation	Contact person and Number	Alternative contact person and number
1	Site foreman			
2	Site Safety Officer			
3	Clerk of Work			
4	Project Manager			
5	Safeguards Officer			

Review Plan

This Emergency Response Plan will be reviewed and updated on quarterly basis and or as need arises i.e. change of the critical personnel

K. OHS Incident Investigation Form

Classification of Accident

Indicative..... Sever..... Fatality.....

Description of the accident:

.....

Date and Time of Accident:

Location of the accident:

Source of accident alert:

Investigation

Date and Time of Investigation:

.....

Names and Status of Investigating Team

Name.....Position.....Sign.....

Name.....Position.....Sign.....

Name.....Position.....Sign.....

Complete accident investigation questionnaire and attach copies to Incident Investigation Form.

Findings of Investigation Team

Teams description of event leading up to the accident

Teams Description of the accident itself

Team's view on the causes of the accident

Recommendation to reduce potential accident (immediate fix)
