



GOVERNMENT OF KENYA

SECOND KENYA DEVOLUTION SUPPORT PROGRAM (KDSP II)

FINAL

LABOUR MANAGEMENT PROCEDURES (LMP)

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1. Project Description

The Second Kenya Devolution Support Program (KDSP II) builds on the results achieved under KDSP, which closed in 2021. The program targets to address challenges facing Kenya's devolution - which includes: (i) Own Source Revenue (OSR) collection is below what is planned and below potential; (ii) reducing available resources to fund county service delivery; (iii) funds transfers to and within counties are unreliable; (iv) commitments are not kept within resources availability; (v) bills (including on pension contributions) are not paid on time and stock of pending bills is high, affecting supply of goods and services to counties (including remittances of statutory deductions); (vi) weak compliance with requirements for development partner funding which undermines delivery of development projects; (vii) intergovernmental structures are not fully operationalized leading to disputes on overlapping institutional mandates and duplication of functions between governments; (viii) county departmental structures and requisite staffing are not fit for purpose, efficient nor aligned to performance and service delivery objectives; (ix) weak payroll management controls; (x) extensive use of manual payrolls and HR records are not up to date to inform decision-making on HRM; (xi) county Public Investment Management (PIM) is weak with fragmented information and citizen participation among others.

The Program development objective is to strengthen county performance in the financing, management, coordination, and accountability for resources. The program is a hybrid with both Program for Results (PforR) and Investment Program Financing (IPF). The IPF component will provide technical assistance (TA) for both national and county level reform actions and activities that will be part of nationwide efforts to address service delivery in the counties. This Labor Management Procedure focuses on management of labor related risks associated with the TA activities described in the subsequent section.

1.1 Proposed TA Activities

The proposed TA activities fall into two categories defined by the World Bank Operations Environmental and Social Review Committee (OESRC) Advisory Note for Technical Assistance and the Environmental and Social Framework of 2019. Type 2 TA activities include:

- Supporting the formulation of policies, programs, plans, strategies or legal frameworks,
- Developing a supporting framework for implementing the County Government Additional Allocation Act of Kenya,
- Operationalizing all intergovernmental sectoral frameworks, policy and legal framework for devolution,
- County revenue forecasting framework,
- Review and adoption of county PIM framework, framework for county A-in A and A-I-E, legislative bills aligning sector frameworks with transfer of devolved function and model framework and guidelines on county fiscal bureaus.

Type 3 TA activities which focus on strengthening borrower capacity will include:

- Training and capacity building of county officers on e-procurement, development of training modules and manuals for county public service boards and county assembly service boards,
- Automation and integration of the National Environmental Management Authority (NEMA) Environmental and Social Impact Assessment (ESIA) process to the county approval systems for efficiency in the approval process,

- Capacity building of the social risk management committees, county assemblies and their technical staff,
- Development of Job descriptions and schemes of services of services for environmental and social specialist,
- Development of tools for citizen feedback on the budgeting process and oversight of public investments,
- Development of complaints handling mechanism for the Commission for Administrative Justice (CAJ) and
- Stocktaking and establishing the Environmental and Social gaps within the counties.

1.2 Labor Management Procedures

Under the World Bank’s Environmental and Social Standard 2 (ESS2: Labor and Working Conditions), the Borrower is required to develop Labor Management Procedures (LMP). The purpose of this LMP is to identify the main labor requirements and risks associated with the project and help the Borrower to determine the resources necessary to address project-related labor issues. The LMP will enable different project-related parties, for example, staff of the project management unit, other project workers drawn from relevant national and county government including consultants to have a clear understanding of what is required on a specific labor issue. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

2. Overview of Labor Use on the Project

ESS2 categorizes project workers into: direct workers; contracted workers; community workers; and primary supply workers. Given the type of TA activities, the Program does not envisage to engage community workers and primary supply workers. KDSPII will however engage direct workers and contracted workers to provide requisite technical support in the delivery of the Program’s TA activities as described below.

2.1 Type of Workers to Be Engaged

While the exact labor use in KDSPII will be determined during the implementation stage (including the number, characteristics and timing of labor requirements), below is an overview of anticipated project workers in KDSPII based on the preliminary design for the project.

- a. **Direct Workers.** is a worker with whom the Borrower has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The worker is employed or engaged by the Borrower and paid directly by the Borrower, and subject to the Borrower’s day-to-day instruction and control. Examples of direct workers may include persons employed or engaged by the Borrower’s project implementation unit to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project. The direct workers to be engaged in the Program will include
 - **National Program Coordination Unit (NPCU)** has been set up within SDD to manage the program. It has a dedicated Program Coordinator (PC) with overall responsibility for the effective functioning of the Program. Staff for cross-cutting functions (for example, procurement, Public Financial Management (PFM), Grievance Redress Mechanism (GRM),

Social safeguards (SRM), Environment, Occupational Health & Safety (OSH), Gender, Communication and Monitoring & Evaluation (M&E) Specialists) with appropriate skills set assigned as necessary.

- o **Civil Servants** from National and County governments will be involved to support Program TA activities at different levels and with varied time commitments. They will remain subject to the terms and conditions of their existing public sector employment, which are governed by Constitution of Kenya (CoK), 2010, Employment Act 2007 and existing Public Service Regulations. There will be no legal transfer of their employment or engagement to the project.
- b. **Contracted workers:** is a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker. Under KDSP II, contracted workers such as consultants with varying skill sets, locals contracted as translators, data collectors and field guides will be engaged on a need basis. Prior to engagement, the SDD will undertake due diligence to confirm legitimacy, reliability and past performance of the consulting entities. Further, SDD will require such consulting firms to have in place labor management procedures applicable to the Program's TA activities to allow such entities to operate in accordance with the requirements of ESS2 and this LMP. SDD will ensure that labor management requirements and noncompliance remedies are included in the contractual agreements that are signed with subcontractors, if any. SDD will ensure that contracted workers will have access to a grievance mechanism. Should there be a situation where the third party engaging the contracted workers is not able to provide a grievance mechanism to such workers, then SDD will avail the grievance mechanism prepared for the TA activities to the contracted workers.

2.2 Number of Workers

The NPCU will provide the requisite oversight in the coordination and implementation of the TA activities. Further, as stated above, it is not possible at this stage to describe the exact number of workers to be engaged. The Program will however ensure compliance with ESS2 requirements by inclusion of the key ESHS provisions into the Bidding documents when engaging contracted workers.

2.3 Characteristics of Workers

At this stage, the anticipated Labour can be categorized into the following three levels of expertise:

- o Skilled labour – technical personnel with advanced specialist training (e.g., consulting professionals, administrators).
- o Semi-skilled labour – ancillary staff with relevant vocational training (e.g., drivers, security). This should preferably be nationals and local to the project site; and
- o Basic labour (unskilled) – casual labour for incidental manual work requiring little to no specialist training (e.g., field guides, translators, vehicle breakdown servicemen). This should be locals.

SDD will ensure Kenyan consultancies firms shall be given priority. International consultancy companies will be contracted only where skills are not available among Kenyan nationals/ consultancies firms. Minority and marginalized groups (women, youth, minority ethnic groups, VMGs, people with disabilities, among others) who qualify as service providers shall be encouraged to submit their proposals for consideration as well. Employment of minors (persons below 18 years) in TA operations

will be strictly forbidden. Age of workers will be verified prior to their engagement through the provision of National Identification Cards. The bidding documents will include the requirement for service providers to prevent any form of child labor.

3 Assessment of Key Potential Labour Risks

This section describes the potential risks associated with the TA activities and includes accident and injuries (safety and health hazards), Sexual Harassment (SH), Sexual Exploitation and Abuse (SEA), child and forced labor, labor related disputes and conditions of employment, discrimination and exclusion of vulnerable and other disadvantaged groups, minimal labor influx and increased cases of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), and security-related risks.

Accident and injuries (safety and health hazards): The TA activities are not expected to have extensive works that would pose major risks to workers involved in KDSP II TA activities. However, occupational health and safety hazards may occur as a result of the consultants travelling to the counties to collect data for their various assignments. The SDD will ensure that safe means of transport are provided to project workers. Further, all engaged consultants and workers will be inducted on the Occupational Safety and Health Act 2007, Codes of conduct, OHS rules World Bank's Environmental, Health, and Safety General Guidelines and the labor management requirement outlined in this LMP.

Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH): There are concerns on the potential risks of SEA/SH and other forms of abusive behavior by co-workers that may compromise the safety and wellbeing of workers including those from vulnerable and disadvantage groups. This may also include potential sexual exploitation in recruitment or retention of skilled or unskilled female workers supported under the project.

The SDD will ensure that requirements for SEA/SH mitigation measures such as codes of conduct are signed by the TA workers and are reflected in the bidding documents and contracts for TA engagement. To this end, SDD will prepare a SEA/SH prevention and response plan in line with the ESCP to guide the conduct of both SDD staff and consultants in their relationship with communities and among themselves. Further, all the TA workers and consultants will be expected to abide by the national laws/regulations and World Bank provisions on SEA/SH, including instituting measures to mitigate such risks.

Forced and Child labor: Although the risk is minimal given the recruitment criteria for all government jobs, the risk may emerge through the contracted labor. SDD will carry out due diligence on all consultancy firms to ensure that they have no historical practices on forced and child labor before executing the contracts. The consultancy firms will be required to affirm the ages of their potential employees through the review of their original copies of their national identification documents prior to being considered for employment by the concerned firm. Forced labor risk is unlikely as the program will work mainly with National and county governments staff.

Labor disputes over terms and conditions of employment: Likely cause for labor disputes include demand for limited employment opportunities; labor wages/rates and delays of payment; disagreement over working conditions (particularly overtime payments and adequate rest breaks); and health and safety concerns in the work environment. Further, there is a risk that employers may

retaliate against workers who demand legitimate working conditions, or raise concerns regarding unsafe or unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest and work stoppage. Labour related disputes will be addressed as per the guidelines provided in this LMP.

Discrimination and exclusion of vulnerable groups: The widespread unemployment situation in Kenya, could potentially lead to increased risk of vulnerable and other disadvantaged groups from being unable to benefit from employment opportunities under the Program. Such groups include women, persons with disabilities, youths of employable age and persons from the Vulnerable and Marginalized Group (VMG) communities., Potential sexual exploitation or harassment in recruitment or retention of skilled or unskilled of female workers may facilitate exclusion of such groups from employment opportunities available under the Program. Further, sexual harassment and other forms of abusive behavior by co-workers may potentially compromise the safety and wellbeing of the vulnerable groups of workers causing them to leave such working environment. If unmitigated, vulnerable and other disadvantaged groups may be subject to increased risk of discrimination and exclusion from employment opportunities under the Program.

Labour influx: During the implementation of the TA activities, hired consultants will travel to different counties to engage stakeholders and collecting data. Though not comparable to civil works, such TA activities may pose labor influx related risks such as social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behavior and increased incidences of criminal acts. However, the risks related to influx of labor are expected to be minimal as these movements will be done intermittently and within a short -term period. To avoid and further minimize risks associated with labor influx, the consulting firms undertaking the TA activities will be required to tap into the local workforce. Depending on the size and the skill level of the local workforce, a share of the workers required for the TA activities may be recruited locally. In addition, such workers will be required to sign and adhere to the Codes of conduct for the human resources personnel. SDD will continuously monitor implementation of the measures to mitigate against labour influx related risks.

Increased risk of communicable diseases and burden on local health services: The influx of people may bring communicable diseases to the project area, including sexually transmitted diseases (STDs) and HIV/AIDS or the incoming workers may be exposed to diseases to which they have low resistance. This can result in an additional burden on local health resources. Further, the consultancy teams are mostly unaccompanied with their spouses especially during field work that may therefore attract transactional sex workers in the project areas and also increase cases of sexual contact with local population posing the risk of spread of HIV/AIDS and other sexually transmitted infections. SDD will sensitize the consultancy team on HIV/AIDS; liaise with various government health institutions to distribute condoms; provide Information and Education Materials (IEC) on HIV/AIDS; offer pre and post-counselling and voluntary free testing services to the consultancy team workforce.

Violation of Workers' Right: There is also the potential risk of violation of workers' rights that may occur as a result of requirement for TA workers to serve for long working hours, denial of holidays or leave request and inadequate compensation of engaged contracted workers. Through pre-

contractual due diligence, the project will ensure that staff of all partners working on TA activities have working conditions and rights consistent with Kenya Employment Act, and World Bank policies.

4 Overview of Labor Legislations: Terms and Conditions

4.1 The Constitution of Kenya (CoK) 2010

The 2010 Constitution of Kenya provides the national legal and regulatory framework on terms and conditions for labour. Article 41 of CoK, 2010 (on Labor Relations) addresses the entitlements and guarantees afforded to workers, employers, and the unions, and exercisable by them within Kenya's employment regime. These entitlements are anchored on key human rights and freedoms including the right to human dignity in Article 28; freedom from all forms of slavery, servitude and forced labour in Article 30; and the right of everyone to have their privacy respected as provided for in Article 31. Article 27 on non-discrimination provides for equality and prohibits discrimination on various grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language, or birth.

4.2 The Employment Act, 2007

The Employment Act, 2007 addresses the employer-employee power-dynamic, focusing on the employer employee engagement from the insular perspective of a direct contractual arrangement between the two parties. The assumption is that all persons who fit the descriptions of 'employer' and 'employee' are governed by this law including those implementing development projects. Section 4 (1) of the Act states that 'No person shall use or assist any other person in recruiting, trafficking or using forced labour'. Section 5. (1) holds that it shall be the duty of the Minister, labour officers and the Industrial Court— (a) to promote equality of opportunity in employment in order to eliminate discrimination in employment; Section 5(3) states that no employer shall discriminate directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee (i) on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic, or social origin, disability, pregnancy, mental status or HIV status (b) in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.

Section 6. (1) states that an employee is 'sexually harassed if the employer of that employee or a representative of that employer or a co-worker— (a) directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express promise of preferential treatment in employment; threat of detrimental treatment in employment; or threat about the present or future employment status of the employee. (b) use language whether written or spoken of a sexual nature; (c) use visual material of a sexual nature; or (d) shows physical behavior of a sexual nature which directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.

The Act also addresses the issues of the employees' nationality and origin as is the case with migrant workers (referring to those migrating to Kenya specifically for purpose of the employment) and provides the requirements to be met by migrant workers before they are employed. In addition, the Act provides for the minimum terms and conditions of employment of an employee and grounds

upon which a contract may be nullified. This is intended to discourage any arrangements that seek to undermine the statutory standards.

The employment Act, 2007 further sets basic minimum conditions of employment, which among others states that (i) an employee shall be entitled to at least one rest day in every period of seven days and after every twelve consecutive months of service with employer to not less than twenty-one working days of leave with full pay (ii) A female employee shall be entitled to three months' maternity leave with full pay (iii) After two consecutive month of service with his employer, an employee shall be entitled to sick leave of not less than seven days with full pay and thereafter to sick leave of seven days with half day pay, in each period of twelve consecutive months of service. The Labour law prohibits the use of forced and child labour, and thereby set prohibitions on employment of children below 17 years, as per section 14 (8) Trade Dispute Act (Cap. 234).

4.3 Labor Relations Act, 2007

The LRA,2007 establishes various institutions responsible for overseeing and enforcing labour laws, such as the Registrar of Trade Unions, the National Labour Board, and the Employment and Labour Relations Court.

- Freedom of Association and Collective Bargaining: guarantees workers the right to form and join trade unions, bargain collectively through their chosen representatives, and engage in protected industrial action. It establishes procedures for registering trade unions and negotiating collective agreements.
- Enhanced Dispute Resolution: establishes a structured framework for resolving labour disputes through conciliation, arbitration, and the Industrial Court. This helps resolve disputes more efficiently and effectively, minimizing disruptions and promoting a more harmonious work environment.
- Improved Industrial Relations: encourages cooperative and constructive relationships between employers and workers through collective bargaining and joint consultative mechanisms.

4.4 Employment and Labour Relations Court Act (Cap 234B) Revised 2014:

Establishment of the Employment and Labour Relations Court There is established the Employment and Labour Relations Court pursuant to Article 162(2) of the Constitution, Jurisdiction of the Court:

(1) The Court shall have exclusive original and appellate jurisdiction to hear and determine all disputes referred to it in accordance with Article 162(2) of the Constitution and the provisions of this Act or any other written law which extends jurisdiction to the Court relating to employment and labour relations including:

- a. disputes relating to or arising out of employment between an employer and an employee;
- b. disputes between an employer and a trade union;
- c. disputes between an employers' organisation and a trade union's organisation;
- d. disputes between trade unions;
- e. disputes between employer organisations;
- f. disputes between an employers' organisation and a trade union;
- g. disputes between a trade union and a member thereof;
- h. disputes between an employer's organisation or a federation and a member thereof;
- i. disputes concerning the registration and election of trade union officials;

- j. disputes relating to the registration and enforcement of collective agreements, and
- k. (2) An application, claim or complaint may be lodged with the Court by or against an employee, an employer, a trade union, an employer's organisation, a federation, the Registrar of Trade Unions, the Cabinet Secretary or any office established under any written law for such purpose.

4.5 The instruments of the International Labour Organization (ILO) applicable in Kenya

These include:

- a. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
- b. The Right to Organize and Collective Bargaining (ILO Convention 98); Forced Labour (ILO Convention 29);
- c. The Abolition of Forced Labour (ILO Convention 105);
- d. Minimum Age (of Employment) (ILO Convention 138);
- e. Discrimination (Employment and Occupation) (ILO Convention 111);
- f. The ILO Employment Injury Benefits Convention, 1964 (ILO Convention 121);
- g. Occupational Safety and Health Convention, 1981 (No. 155);
- h. Occupational Health Services Convention, 1985 (No. 161), and
- i. The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

4.6 The National Social Security Fund Act, 2013 (NSSF Act)

It is the primary legislation governing social security in Kenya. It establishes the National Social Security Fund (NSSF), a mandatory savings scheme for all employed and self-employed individuals in the country. Employers are required to contribute 12% of an employee's basic salary to the NSSF fund, while self-employed individuals contribute a fixed monthly amount.

NSSF members are entitled to various benefits, including:

- Retirement benefits: A lump sum payment or monthly pension upon reaching retirement age (60 years).
- Survivor benefits: A lump sum payment to the dependents of a deceased member.
- Invalidity benefits: A monthly payment to a member who becomes permanently disabled.
- Education grant: A one-time grant for each child of a member upon joining secondary school or university.

4.7 Social Health Insurance (SHI) Act, 2023

Established the Social Health Authority which Creates a single entity responsible for managing social health insurance in Kenya.

Has three separate funds:

- Primary Healthcare Fund: Covers basic healthcare services at primary health facilities.
- Social Health Insurance Fund: Covers inpatient and outpatient care at higher levels of care.
- Emergency, Chronic, and Critical Illness Fund: Provides specialized care for specific conditions.
- Universal Healthcare: Aims to achieve Universal Health Coverage (UHC) by providing affordable healthcare to all Kenyan residents and long-term legal residents.

- Mandatory Contributions: Introduces mandatory contributions from both employers and employees, with differentiated rates based on income levels.
- Expanded Benefits: Broadens the range of services covered including preventive, promotive, and rehabilitative care.
- Improved Service Delivery: Aims to improve the quality and efficiency of healthcare services through accreditation, regulation, and performance-based contracts with healthcare providers.

4.8 The Fair Administrative Action Act, 2015.

The Act gives effect to the right to fair administrative action in Article 47 of the Constitution. It is a framework that defines the meaning and import of administrative action, besides enumerating administrative remedies. The Act provides for the right to administrative action that is expeditious, efficient, lawful, reasonable, and procedurally fair. It further provides for the right to be given written reasons for any administrative action that is taken against a worker and where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the person affected must receive prior and adequate notice of the nature and reasons for the proposed administrative action as well as an opportunity to be heard and to make representations in that regard.

5 Overview of Labour Legislations: Occupational Safety and Health

5.1 The National Occupational Safety and Health Policy, 2012.

It was enacted in Kenya in May 2012. It aims to establish a comprehensive framework for ensuring the safety, health, and well-being of workers in all sectors of the economy. Its objectives are:

- Prevent occupational accidents and diseases through risk assessment, hazard control, and safe work practices.
- Promote a safe and healthy work environment for all workers.
- Strengthen the capacity of employers and workers to manage occupational safety and health (OSH) risks.
- Provide adequate compensation and rehabilitation for workers who suffer occupational injuries or illnesses.
- Comply with international OSH standards and conventions.

Key Features:

- Applies to all workplaces and forms of work, including the informal sector.
- Promotes a preventative approach to OSH by emphasizing risk assessment and hazard control.
- Requires employers to implement OSH management systems and provide safe work practices and equipment.
- Empowers workers to participate in OSH decision-making and raise concerns about safety hazards.
- Establishes a regulatory framework for OSH enforcement through the Ministry of Labour and Social Protection.
- Provides for the establishment of a National OSH Council to advise the government on OSH policy and programs.

5.2 Occupational Safety and Health Act 2007

The Occupational Safety and Health Act, 2007 and its 16 subsidiary legislations governs workplace safety and health in Kenya. The law provides for “the safety, health and welfare of workers and all persons lawfully present at workplaces and establishes the National Council for Occupational Safety and Health”. This law is broadly concerned with potential hazards to persons in the workplace.

This Act entrusts the employer with the obligation to ensure the safety and health of all its workers, and to mitigate risks of exposure to any hazards in the workplace. The legislation makes it mandatory for employers to provide personal protective clothing or equipment to workers exposed to wet, dusty, noisy or any conditions that might expose the workers to harsh or dangerous conditions, offer training to workers on OSH, conduct Occupational Examination on workers, conduct plant examinations and hygiene measurements in the workplace. It outlines guidelines on Occupational accidents and diseases reporting and investigations.

The Act set detailed standards and requirements on occupational health and safety at these specific sections. Part VI (on Health-General Provisions), Part VII (on Machinery Safety), Part VIII (on Safety-General Provisions), Part IX (on Chemical Safety), Part XI (on Health, Safety and Welfare – Special Provisions) and Part XII (on Special Applications), which provide for different occupational safety and health scenarios (in detail), with the intent of allowing for the management of the intended and unintended safety and health consequences that may be wrought by potential hazards. These safety and health consequences are more localized to individual workers, by virtue of their presence in the premise, than upon the wider society.

In addition, the International Labour Organization, in its 110th Session, in June,2023, declared a safe and healthy working environment as a fundamental principle and right at work. The following are its subsidiary legislations: -

1. Factories (Woodworking Machinery) Rules, 1959;
2. Factories (Examination of Plant) Order;
3. Factories (First Aid) Order, 1977;
4. Factories (Cellulose Solutions) Rules, 1964;
5. Factories (Docks) Rules, 1962;
6. Factories and other places of work (Safety and Health Committee) Rules,2004;
7. Factories and other places of work (Medical Examination) Rules, 2005;
8. Factories and other places of work (Noise Prevention and Control) Rules,2005;
9. Factories and other places of work (Fire Risk Reduction) Rules, 2007;
10. Factories and other places of work (Hazardous Substances) Rules, 2007;
11. Factories (Electric Power) Special Rules, 1979;
12. Factories (Eye Protection) Rules,1978;
13. Factories (Building Operations and Works of Engineering Construction) rules,1984.

5.3 The Work Injury Benefits Act, 2007 (WIBA)

The Work Injury Benefits Act 2007 provides for compensation to workers for work-related injuries and diseases contracted in the course of their employment or for connected purposes. Part III (on Right to Compensation) addresses the entitlements and guarantees afforded in respect of compensation, Part IV on Reporting for Accidents, Part V on Compensation and Part VI on Occupational Diseases.

5.4 World Bank Environmental and Social Framework

The World Bank Environmental and Social Framework (ESF) consists of Ten (10) standards that aim at preventing and mitigating undue harm to people and their environment in any development projects involving the Bank. The applicable standard of this framework to the LMP is the Environmental and Social Standard 2 (ESS2) on Labor and Working Conditions.

Through ESS2 the World Bank promotes fair treatment, non-discrimination and provision of equal opportunities for workers engaged on projects it supports. The World Bank strongly encourages protection of all project workers, including vulnerable groups such as women, persons with disabilities, children (of working age) and migrant workers, contracted workers and, where applicable primary supply workers, as appropriate. ESS2 sets certain requirements that the project must meet in terms of working conditions, protection of the work force (especially the prevention of all forms of forced and child labor), and provision of a grievance mechanism that addresses concerns on the project promptly and uses a transparent process that provides timely feedback to those concerned. Under the ESS2 borrowers are required to:

- Develop and implement written labor management procedures applicable to the project.
- Provide workers with clear and understandable information and documentation regarding their terms and conditions of employment.
- Provide fair treatment, non-discrimination, and equal opportunity to workers. Decisions relating to the employment or treatment of project workers should not be made on the basis of personal characteristics unrelated to inherent job requirements.
- Protect the work force by defining the minimum age for employment and prohibiting forced labor.
- Provide an efficient Grievance Mechanism for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns.
- Conduct risk assessment to understand the likelihood and magnitude of OSH risks associated with project based on: whether the project will involve hazardous materials or processes; the potential consequences to workers, communities, or the environment if hazards are not adequately managed, which may depend on the proximity of project activities to people or to the environmental resources on which may depend on the proximity of project activities to people or to the environmental resources on which they depend.

Table 1: Comparison of the Kenya Labour law with key elements of the ESS2

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
Obligation of employers to all forms of workers, i.e., supply chain workers.	WIBA Act 2007 provides for compulsory Insurance for every employer; order under section 7 of the Act.	WB requires implementing agency to take responsibility of other workers on their site.	While the Kenyan law(OSHA 2007, WIBA 2007) targets to protect the welfare of all workers(direct, contracted, primary supplier workers and community workers)its application by MDAs has been limited and ineffective.	SDD and county governments to align Consultancy ToRs with the OSH management toolkit and the World Bank’s requirements.
OSH responsibility in shared workspaces under different employers.	OSH Act, 2007 in Part II provides for general duties of occupiers and states that “Every occupier shall ensure the safety, health and welfare at work of all persons working in his workplace. under Section 6 (1). “occupier” means the person or persons in actual occupation of a workplace, whether as the owner or not and includes an employer;	Where program workers are employed or engaged by more than one party and are working together in one location, the parties who employ or engage the workers will collaborate in applying the OSH requirements, without prejudice to the responsibility of each party for the health and safety of its own workers.		SDD and county governments to align with the Kenyan laws and World Bank requirements as appropriate.

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
Settlement of final dues.	The ELR Court have declared that terminal dues to every employee is a right and must be paid irrespective of the nature of separation.	All wages that have been earned, social security benefits, pension contributions and any other entitlements will be paid on or before termination of the working relationship.		SDD and county governments to align Consultancy ToRs with the Kenyan laws and World Bank requirements as appropriate.
Equal opportunity and non-discrimination.	Kenyan law prohibits discrimination. An employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice. An employer shall not discriminate against an employee on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status.	ESS-2 gives provisions for equal opportunity, fair treatment, and no discrimination with respect to any aspects of the employment relationship.	Both are against discrimination in workplaces.	Provision for equal opportunity and non-discrimination in the Kenyan constitution and the Employment Act will be used for KDSPII. KDSPII will make all institutions aware of the Labour law requirement for compliance in their recruitment processes. Institutions shall show the evidence of induction of workers on the legal requirements for non-discrimination.
Timely payment.	Section 17 and 18 of The Employment Act 2007 provides for	Program workers should be paid on a regular basis as	Both protect workers' wages.	Salary wages and allowances will be paid in

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
	protection of wages and the timeliness of payments.	required by national law and labour management procedures.		accordance with the Employment Act.
Working hours and overtime.	<p>The working hours in Kenya has been modified through CBAs between Employers and workers and currently stand at 40 hours a week. for daytime employees. However, workers who work at night need to fulfill 60 hours per week.</p> <p>Regardless of the work, no daytime worker should work for more than 116 hours over a period of two weeks. Similarly, no night-time employee should work for more than 144 hours every two weeks.</p> <p>In the case of overtime work, employers must pay their workers 150 percent of their regular day's pay.</p>	Working hours shall be agreed mutually or by collective bargaining.	Both give provisions according to working hours and overtime.	<p>Working hours and overtime will be defined in accordance with the Kenyan law.</p> <p>Attendance register shall be maintained to record time of arrival and departure from work.</p>
Workers' rights.	<p>Kenyan Employment Act provides provisions for regular leaves and benefits.</p> <p>Employer must also provide reasons for termination.</p>	ESS-2 requires full respect of workers' rights.	Both recognize the rights of workers.	<p>The KDSP II will be implemented in accordance with Kenyan Laws.</p> <p>An effective grievance mechanism will be put in</p>

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
				place to help workers raise their concerns.
Minimum age.	Thirteen years and above	Fourteen years and above	Disparity in age of engagement	Children under 18 years old will not be permitted to work on KDSP II. Evidence like birth certificates will be required to certify workers' ages.
Prevents use of all forms of forced labour.	The Constitution and Employment Act prohibit all forms of forced or compulsory labour.	All workers associated with this project shall be required to work voluntarily without coercion or any form of threats. Forced labour in this context can be any form of indentured labour.	Both condemn forced labour.	KDSP II will not resort to forced labour. Periodic checks and screening for forced labour shall be carried out.
Protection of workers.	Provisions are given in the law relating to the protection of workers such as: Protection against discrimination; Protection of assignment of pregnant women.	ESS-2 requests borrowers to provide appropriate measures of protection and assistance for workers especially vulnerable workers.	Both give provisions to protect workers.	Effective grievance mechanism would be put in place to manage complaints that may arise from workers in accordance with ESS2.

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
OSH.	The OSHA Act 2007 sufficiently provide for the obligations of the employer and employee on matters of OSH in workplace.	There are adequate provisions for OSH procedures in ESS-2 which projects are expected to adhere to.	ESS2 includes more provision for workers on OSH.	Beyond KDSP II safeguard specialists, Kenya cluster shall have a safeguard focal person to manage OSH issues. Project workers will not be victimized for removing themselves from unsafe or unhealthy work environments.
Employment of young persons.	According to the labour code, children (between 13 and 16 years old) shall be assigned only light work and not be assigned to hazardous tasks.	ESS-2 gives provision to protect children between 14 years of age and 18 years against hazardous works.	Both protect young workers against hazardous works.	As the minimum age to work on KDSP II Consultancy and civil works services is 18, provisions in the Employment Act will be applied. Enforced prohibitions on child labour, persons under 18 years will not be permitted to work on KDSP II Consultancy and civil works services. Sensitize all consultancy firms engaged on child labour prohibitions.

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
				Institute age verification for new workers before engagement.
Women.	One third gender rule in the Constitution. They take into account equality of chance, non-discrimination, maternity leaves, etc.	ESS-2 provides measures to protect and assist vulnerable project workers, including women.	Both protect women in workplaces.	The KDSP II Program should target to maximize employment benefits to women and should comply with the national legislation on pregnant women and maternity leave.
Person with Disabilities (PWDs).	Kenya Constitution and Employment Act safeguard against discrimination on the grounds of disability. Provides for 5% of opportunities for PWDs.	ESS-2 provides measures to protect and assist vulnerable project workers, including PWDs.	Both include provisions to fight against discrimination of PWDs in workplaces.	KDSP II would comply with the national legislation on discrimination against PWDs and should therefore target to involve PWDs in project learning activities.
Sexual Harassment.	The Kenyan Employment Act forbids sexual harassment. However, under Section 6. An employer who employs twenty or more workers shall, after consulting with the workers or their representatives if any, issue a policy statement on sexual harassment.	ESS 2 clearly forbids sexual harassment of any kind especially once the grievances have been reported.	Both forbid sexual harassment.	KDSP II will adopt the provisions of the Kenyan regulation. All project workers will sign the code of conduct with key prohibitions on SEA/SH as stipulated in the SEA/SH prevention and response plan to be

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
				prepared by KDSP II in line with the ESCP. KDSP II will provide safe and confidential grievance channels easily accessible to all stakeholders.
Temporary and casual Workers.	Provisions of the Kenyan Employment Act take into account casual and temporary workers.	ESS-2 applies to project workers including fulltime, part-time, temporary, seasonal, and migrant workers.	Both take into account temporary and casual workers	The KDSP II will apply provision in both the Labour Law and ESS2.
Freedom of association and collective bargaining.	The Kenyan law affords all persons the right to freedom of association, which includes freedom to form or join trade unions or other associations.	ESS-2 makes provision for borrowers to legally establish workers' organizations and legitimate workers' representatives.	Both give workers the right to freedom of association.	KDSP II will commit to, and require its consultants and contractors under the project, to support the principles of freedom of association and collective bargaining by project workers, in a manner that is consistent with the provisions of Kenya's Labour Act.
Salary deductions.	Labour Code generally precludes employers from deducting any amount from the remuneration of their workers except in some	ESS2 gives provisions for payment deductions in line with national law or the	ESS2 refers to national law for salary deduction.	KDSP II Consultancy Teams will follow provisions in the

Key Elements	Kenya laws	ESS-2 Requirements	Identified gaps	Action required
	cases defined in the Employment Act.	labour management procedures.		Employment Act to make salary deductions.

6 Responsible Staff

This LMP will be operationalized through the leadership of NPCU with assistance from the OSH Safeguards Focal Person. The KDSP II Environmental and Social Specialists will provide additional oversight to ensure the application of this LMP to mitigate and respond to issues on occupational health and safety. Detailed level of oversight, responsibility and key role are provided in the table below.

Table 2: Roles and Responsibilities

No.	Oversight Areas	Responsible staff	Key Role
1.	Labour and working conditions.	Program Coordinator.	<ul style="list-style-type: none"> ● Identification (including conducting due diligence) and recruitment of consultants. ● Ensuring that relevant OSH requirements are included in contracts. ● Checking to ensure that working conditions of new consultants are consistent with national laws. ● Ensuring that all consultants staff members' signs code of conduct as stipulated in the SEA/SHP prevention and response plan, that includes prohibitions and sanction regime on SEA/SH.
2.	Occupational health and safety.	KDSP II Occupational Health & safety specialist (OSH).	<ul style="list-style-type: none"> ● Ensuring day to day compliance with safety measures outlined in this LMP and site specific ESMPs to be prepared. ● Ensuring day to day compliance with safety measures outlined in this LMP. ● Ensure that all staff and consultants working on the KDSP II activities receives basic training on occupational health and safety arrangements. ● Keeping and maintaining records of all incidents and ensure that major accidents are reported to the World Bank through NPCU OSH Specialist within 48 hours upon notice.
3	Worker's grievance.	Grievance Redress (GR)/social Specialist.	<ul style="list-style-type: none"> ● Ensuring that all consultancy and civil works workers are aware of grievance uptake points and procedures. ● Keeping records of all consultancy and civil unit workers' grievance and include them in biannual reports to the NPCU. ● Ensuring that grievances linked to SEA/SH are reported to the World Bank through GR specialists within 24 hours upon receipt. ● monitor resolution and referral of project grievances ● providing feedback on grievances.

No.	Oversight Areas	Responsible staff	Key Role
4	Sensitization on LMP.	KDSP II Occupational Health & safety (OSH) Specialist Environmental Specialist. Social Specialist.	<ul style="list-style-type: none"> Organizing sessions to raise awareness of consultancy, Civil Works teams and program staff on this LMP. Ensuring full disclosure of this LMP. link to DOSH on all labour related matters.
5	Monitoring and reporting.	Occupational Health & safety (OSH) Specialist. Environmental Specialist. Social Specialist.	<ul style="list-style-type: none"> Conducting regular monitoring to consultancy teams including visits across the country where the proposed program will be implemented to ensure effective compliance with OSH measures in this LMP. Targeted monitoring of specific situations or difficulties arising from implementation, and of the compliance to this LMP and providing tailored assistance. Providing reporting template to consultancy and civil works teams for quarterly reporting. Producing biannual report on this LMP implementation and submit to the World Bank through the NPCU.

7 Compliance to the Policies and Procedures

All the consultant firms that will be engaged by KDSP II to implement TA activities will be committed to manage their employees in a manner that safeguards their welfare, health, and safety. In accepting this responsibility, the implementing entities are committed to follow various policies and procedures to avoid and mitigate the potential labor related risks outlined in this LMP with more consideration but not limited to:

- Discrimination and exclusion of VMGs and Vulnerable/Disadvantaged Groups,
- Labor disputes over terms and conditions of employment,
- Child and Forced labor,
- Sexual exploitation and Abuse (SEA) and Sexual Harassment (SH),
- Violation of Workers' Right,
- Increased risk of communicable diseases and burden on local health services,
- Labour influx,
- Accident and injuries (safety and health hazards).

8 Age of Employment

8.1 Minimum Age

The Employment Act, 2007 forbids employment of children under the age of 18 for certain hazardous work. In compliance with these national standards, persons under 18 years will not be permitted to work on the TA activities in any capacity.

8.2 Procedure to follow to verify the age of the project workers

The age of potential workers will be verified before engagement. The National Identification Card (ID), Passport, birth certificate or national driver's licenses will be used as proxy documents for verifying a worker's age. In the absence of these forms of verification documents, the project will apply and document an age verification process. The age verification process will consist of alternative methods including copies of academic certificates, testimony from officials of the schools attended, a medical examination, statements from family members and locality/village officials/local authorities.

In addition, all documents will be cross-referenced and subjected to a verification process to ensure the validity of the documents. In instances where the documents are thought to be falsified the project will conduct the same process to ensure their authenticity. In all the processes, care will be provided to ensure that the applicant or employee's data are protected and their right to privacy is guaranteed. All copies of the IDs and documents pertaining to the applicant's age and other supporting materials will be kept in files with the human resources personnel.

9 Terms and Conditions

The Kenya Employment Act 2007 sets the statutory terms and conditions for all employment arrangements in Kenya. Drawing from this act, the Table 9.1 provides an outline of terms and conditions that will inform management of all contracted workers. Due diligence shall be conducted on all consultancy teams that will be engaged to show their employment arrangement meets all the essential terms and conditions required by the World Bank.

Table 3: Outline of terms and conditions for Management of Consultancy Works

Category	Conditions
Minimum Wage.	<ul style="list-style-type: none">• The official minimum wage rates released by the Salaries and Remuneration Commission will provide the overall guide on workers' salaries. As of 1st May 2022, the lowest urban minimum wage was pegged at KES 15,201 per month, and the lowest agricultural minimum wage for unskilled workers was KES 6,736 per month, excluding housing allowance.• The salary scale and consultancy fees band of KDSP II will also provide a framework for setting salaries and fees of consultants on the basis of inherent job description and grade without discrimination.
Provision of written consultancy contract of employment for consultant firms and Civil works.	<ul style="list-style-type: none">• A written consultancy service and civil works contract of employment shall be provided to the individual teams that will be engaged under KDSP II. The written consultancy service contract of employment will specify the following: (a) name of Consultant Firms workers; (b) address, occupation, age, and sex of workers for consultant firms; (c) employer's name and

Category	Conditions
	address; (d) nature and duration of contract;(e) hours and place of work; (f) remuneration payable to the consultant firms and its workers; (g) procedure for suspension or termination of contract. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to consultant firms that may have difficulty understanding the documentation.
Hours of Work.	<ul style="list-style-type: none"> ● The normal working hours should not exceed 8 hours a day. ● Workers who work in excess of the normal hours will be entitled to relevant allowances or leave in lieu of hours worked.
Rest per week.	<ul style="list-style-type: none"> ● Every worker shall be entitled to rest on Saturday and Sunday. ● Workers shall be entitled to rest on public holidays recognized as such by the Republic of Kenya.
Annual leave.	<ul style="list-style-type: none"> ● Workers shall be entitled to 30 days' leave with pay for every year of continuous service. ● An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
Maternity and Paternity Leave.	<ul style="list-style-type: none"> ● Workers especially the female shall be entitled, on presentation of a medical certificate indicating the expected date, to 90-days maternity leave while male workers shall be entitled for paternity leave of 14 days with pay, provided that she/he has been employed for at least six months without any interruption on her/his part except for properly certified illness.
Gifts and Deductions from Remuneration.	<ul style="list-style-type: none"> ● The Consultant /Civil Works Firms shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment. ● No deductions other than those prescribed in labour laws shall be made hereunder or any other law or collective labour agreement from Consultant Firms members of staff's remuneration, except for repayment of advances received from the employer and evidenced in writing.
Death benefit.	<ul style="list-style-type: none"> ● In case of death of a worker during his/her contract of employment, the Consultant/Civil Works Firms shall pay his/her remuneration as death benefits in line with the provisions of the relevant national laws and institutional policies.

10 Employee Grievance Mechanism

Besides the Program-level grievance mechanism (GM), a workers GM will be established at National Level (NPCU) and at the county level (CPIU). Workers will be able to lodge their complaints relating to their work environment or conditions such as a lack of proper procedures or unreasonable overtime, freedom of association, GBV/SEA/SH. The mechanism for workers' GM will be based on the following principles:

- Handling of grievances will be objective, prompt and responsive to the needs and concerns of the aggrieved workers.
- The process will be transparent and allow workers to express their concerns and file grievances.

- There will be no discrimination against those who express grievances.
- All grievances will be treated confidentially, and individuals who submit their comments or grievances may request that their name be kept confidential.
- Anonymous grievances will be considered, and will be treated equally as other grievances, whose origin is known.

The NPCU will treat grievances seriously and take timely and appropriate action in response. Information about the existence of the GM will be readily available to all Program workers (direct and contracted) through notice boards, websites, emails, and other means as needed. Different ways in which consultant workers can submit their grievances will be allowed, such as submissions in person, by phone, text message, mail and email, as well as anonymous submissions. Program workers will be informed of the GM at the induction session prior to the commencement of work, and the contact information of the GM Specialist and the NPCU will be shared with program workers. Program workers will be encouraged to use any of the available grievance uptake channels outlined above, to report all forms of complaints, including complaints related to GBV, in particular, SH.

Where the grievance cannot be addressed within a reasonable timeframe, the aggrieved worker will be informed in writing, so that the worker can consider proceeding to the national Judiciary system of the Republic of Kenya which essentially is a legal system accessible to all aggrieved persons. Grievances raised by workers will be recorded with the actions taken by each consultant/civil works firm. The summary of all recorded grievance will be periodically reported to the NPCU and World Bank. The GM will also the aggrieved workers wish to escalate their concerns anonymously and/or to a person other than their immediate supervisor.

11. Contractor Management

The NPCU requires that consultants to be hired monitor, keep records and report on terms and conditions related to Labor management. To ensure fair competition and transparency, consultants contractors will be selected based on the Government of Kenya's Public Procurement and Asset Disposal Act 2015 and World Bank Procurement Procedures which control the engagement of consultants. This includes:

- Competitive bidding through transparent open advertising,
- Shortlisting and selection of contractors; and,
- Contract signing.

To ensure sound and time-bound program implementation, the NPCU will utilize a number of specialists in various consultancy services. This calls for sound consultancy management be realized through proper agreement signing, agreement on key performance indicators and ensuring that worker related aspects of the project are embedded in contract. Consultant teams will be selected through an open competitive bidding process. Management of labor issues including OSH as guided by ESS2 and the approved LMP shall form part of the contract awarded to the best evaluated bidder. There will be:

- Scrutiny of 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 OSH 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' enrolment in the related programs,
- Worker payroll records, including hours worked and pay received,
- Identification of safety committee members and records of meetings; and,
- Copies of previous consultancies with contractors and suppliers, showing inclusion of provisions and terms.

The NPCU shall have full access to all program information collected by the consultant teams and project focal persons. The Program Coordinator will ensure compliance by the Contractor to ESS2. All consultants teams shall have clear plans on how to undertake their assignments with closure dates and competent action parties. Continuous monitoring shall be carried out throughout the program TA life cycle including but not limited to periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the NPCU.

Annex 1: Screening Checklist for Labour Management

PART I	General Information				
	Name of the Organization				
	Number of workers				
	Age Groups of workers	0-18 yrs			
		18-35 yrs			
		35- 59 yrs			
	Number of Male workers				
	Number of Female workers				
	Number of Apprentices/ Interns/ Attaches/ Learners				
PART II	Labour Standards Screening Checklist				
No.	Question	Yes	No	N/A	Remarks
1	The Organization gives copies of employment contracts to all workers, regardless of status, and orients them to ensure that the contract is clearly understood.				
2	The Organization observes the normal eight hours of work.				
3	The Organization provides premium pay for work done beyond the normal eight hours in compliance with national laws.				

4	Overtime work is voluntary without any threat of wage deduction, disciplinary action or other sanctions.				
5	The Organization has measures in place to validate that its business partners/suppliers do not use forced labour.				
6	The Organization hires workers no less than 18 years of age for work considered as hazardous.				
7	The Organization requires candidates to submit birth certificates or other official form of registration to verify age before hiring.				
8	In case of workers hired of age 17, the Organization ensures that work does not interfere with their studies.				
9	The Organization has measures in place to validate that its business partners/suppliers do not use child labour.				

	Question	Yes	No	N/A	Remarks
10	The Organization ensures that hiring, wages, training, promotion and disciplinary action are based on objective factors and not on differences based on gender, age, religion, marital status, sexual orientation, health status or physical disabilities.				
11	The Organization ensures that all pay rates for different positions are based on objective factors and implemented in a non-discriminatory way.				
12	The Organization has procedures in place that are accessible and understood by all workers where they can safely report and resolve complaints of discrimination.				
13	The Organization allows workers to join groups within their organization of their own choice.				

14	The Organization maintains open dialogue/communication with workers and/or their representative to discuss and address their concerns at the workplace.				
15	The Organization pays wages at regular times and does not take deductions from wages as disciplinary action or other deductions which are not authorized by law without the freely given consent of the worker.				
16	Organization to ensure that wages are within those prescribed by law.				
17	The Organization provides paid leaves per year.				
18	The Organization provides maternity leave to its female workers as provided by law.				

	Question	Yes	No	N/A	Remarks
19	The Organization provides reasonable breaks while working and reasonable rest period between shifts.				
20	The Organization pays the statutory minimum wage rates for normal work hours rendered and over time rates for work done outside normal working hours.				
21	The Organization has written rules and regulations that have been explained and understood by all workers.				
22	The Organization has disciplinary process in place that is known and understood by all workers.				
23	The Organization observes due process procedure in implementing its disciplinary process.				

24	The Organization has mechanisms in place to receive all reports on workplace violence, harassment and threats and to competently address these concerns.				
25	The Organization pays its mandatory share contribution to social security fund and deducts mandatory contribution to social security fund from wages of workers, and regularly remits the contribution.				
26	The Organization deducts mandatory contribution to Health Insurance fund from wages of workers and regularly remits the contribution.				

PART III	OCCUPATIONAL SAFETY AND HEALTH SCREENING CHECKLIST				
No.	Question	Yes	No	N/A	Remarks
1	The Organization has registered the workplace and/or projects established written Occupational Safety and Health (OSH) prevention and remediation policies and procedures that comply OSHA, 2007.				
2	The Organization to conduct Statutory audits on Occupational Safety & Health, Fire Safety and Risk Assessments, and hygiene surveys depending on the workplace hazards.				
3	The Organization informs all workers on OSH standards in a language they understand.				
4	The Organization has a disciplinary plan which applies to all violations of the Organization's OSH standards.				
5	The Organization documents all occupational accidents (including minor accidents & near misses, and Occupational diseases) and adjust their processes to prevent recurring problems.				
6	The Organization regularly monitors its production processes, machines and equipment to ensure that they are safe and in good working condition.				
7	The Organization has a Health and Safety Committee to receive and respond to OSH concerns of workers.				
8	The Organization Health and Safety Committee has been trained on OSH, Fire Safety and First Aid.				
No.	Question	Yes	No	N/A	Remarks
9	Workers and managers are trained to respond to workplace emergencies and first aid kits are readily available.				

10	The Organization has fully functional fire extinguishers and fire exits that are clearly marked and free from obstruction.				
11	Work premises and equipment are maintained and kept clean.				
12	The workplace has adequate ventilation, lighting and temperature appropriate for the industry of operation.				
13	The Organization provides clean and safe drinking water.				
14	The Organization provides sufficient and suitable washing facilities.				
15	The Organization has conducted annual Occupational Medical Examination on all workers.				
16	The Organization has designated eating area for all workers.				
17	The Organization provides clean and sanitary toilet facilities appropriate for both genders.				
18	The Organization provides free personal protective equipment and training to safely perform their work.				
19	The Organization has a conducted plant examination on the plant and machines they have in place.				
20	The Organization has procedures in place to store and discharge dangerous chemicals.				
21	The Organization has a OHS Specialist in place and/ or Safety supervisor for construction projects approved by DOSHS.				
22	The Organization has detailed emergency procedures, prevention plans, evacuation procedures and training to protect against dangers and handle emergencies.				
NB.	The Organization informs suppliers and business partners of the organization's commitment to comply with labour and OSH standards **				