

REPUBLIC OF RWANDA



MINISTRY OF EDUCATION

PROJECT:

RWANDA QUALITY BASIC EDUCATION FOR HUMAN CAPITAL DEVELOPMENT

**LABOUR MANAGEMENT PROCEDURES
(LMP)**

September, 2019

TABLE OF CONTENTS

ABBREVIATION	3
1. INTRODUCTION.....	4
2. OBJECTIVES	5
3. LEGAL AND OTHER REQUIREMENTS.....	5
4. OVERVIEW OF LABOR USE ON THE PROJECT	5
5. ASSESSMENT OF KEY POTENTIAL LABOR RISKS	9
6. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS.....	10
7. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY	14
8. RESPONSIBLE STAFF	15
9. POLICIES AND PROCEDURES.....	16
10. AGE OF EMPLOYMENT.....	17
11. TERMS AND CONDITIONS	18
12. GRIEVANCE MECHANISM	18
14. PRIMARY SUPPLY WORKERS.....	18
ANNEXES	20
ANNEX 1: INDIVIDUAL CODE OF CONDUCT IN CASE OF CONTRACTOR	20
ANNEX 2: INDIVIDUAL CODE OF CONDUCT IN CASE OF HOME GROWN SCHOOLS CONSTRUCTION APPROACH.....	24

ABBREVIATION

1. LPM : Labor Management Procedures
2. MINEDUC: Ministry of Education
3. PMP : Project Management Professional
4. WB : World Bank
5. 9YBE : Nine Years Basic Education
6. 12YBE : Twelve Years Basic Education
7. KIAC : Kigali International Arbitration Centre.

1. INTRODUCTION

The Ministry of Education is planning to implement the project titled “Rwanda Quality Basic Education for Human Capital Development” under the support of World Bank (WB). The Project Development Objective (PDO) is to improve teacher competency, student retention and learning in Basic Education in Rwanda. The project interventions turn around three main components namely (i) Enhancing teacher effectiveness for improved student learning (ii) Improving the school environment to support student learning, and (iii) Development of policy and institutional capacity to strengthen teaching and learning. The project will be implemented countrywide and it is expected to benefit students in general basic education with much focus at the primary school level.

The first component counts four subcomponents which are its areas of focus and those are improve teacher’s English proficiency and digital skills, support professional development of math and science teachers, strengthen preparation of new teachers; develop model schools to support innovative instructional practices. The second component includes three subcomponents which are to reduce overcrowding and distance to school, enrich early learning environments, support gender sensitive learning environment for students while the last component includes two subcomponents: support quality assurance systems (Teacher recruitment and deployment, School inspection and National learning assessment) and strengthen project management, implementation, and monitoring capacity.

As this project will require the involvement of workers, it has been necessary to develop Labour Management Procedures (LMP) for its better implementation.

The purpose of this LMP is to facilitate planning and implementation of the project in terms of working conditions. It identifies the main labor requirements and risks associated with the project and help to determine the resources necessary to address project labor issues. This LMP has been designed following national and international labour standards and policies on Occupational health and safety and workplaces, Child Labour and employment in general.

The Homegrown School Construction Approach as a method adopted by the Ministry of Education to fast track the construction of classrooms and latrines using minimum resources available shall be used for the implementation of this project. This approach which was established since 2009 adopted from Community Work (Umuganda) held every Saturday of end of the month. It was started when the policy of Education for All was introduced up to Nine Years Basic Education (9YBE) and afterwards to Twelve Years Basic Education (12YBE), where involvement of different stakeholders is needed by contributing to different activities.

However, for the implementation of this project, the same approach will be used but all workers; both skilled and unskilled will be paid at market rate. The community work will apply on the last

Saturday of the month where the citizens in the vicinity of construction sites voluntarily participate as a citizen responsibility.

This LMP may be reviewed and updated throughout development and implementation of the project.

2. OBJECTIVES

The objectives of this LMP Plan are to:

- ✓ Promote fair and equitable labour practices for the fair treatment, non-discrimination and equal opportunity of workers;
- ✓ Protect workers' rights and promote healthy, safe, secure and comfortable accommodation that does not impact negatively on the communities in the surrounding area;
- ✓ Ensure the management and control of activities that may pose labour-related risks at workplaces.

3. LEGAL AND OTHER REQUIREMENTS

Various national policies, laws, international treaties ratified by Rwanda and systems are applicable to the implementation of this project. Such requirements are summarily outlined in this LMP.

4. OVERVIEW OF LABOR USE ON THE PROJECT

This section describes the number of Project Workers. Project Workers will include direct workers, contracted workers and local labor including skilled labor and unskilled labor. The direct workers are workers on the project structure and these will be public servants under employment contracts recruited in accordance with the normal recruitment procedures of contractual staff in public service; considering the minimum age for admission to employment without discrimination of any kind. International migrants will have the rights for competition following the requirements of relevant laws on employment in Rwanda. As regard to the implementation of this project at district level, the skilled workers and unskilled workers shall also be part of the project workers. The total number of workers to be employed on the project, and the different types of workers include the direct workers, contracted workers.

The following provides the estimate on the number of project workers to be recruited:

a. Total number of workers:

The project workers will include the following categories:

- i. **Direct workers:** These are staff who will be recruited at the central level to coordinate and monitor the implementation of the project in its entirety viz. all project components. These staff include not only those to be based at the MINEDUC and REB SPIUs but also those to be based at the District level to closely monitor the school construction activities and compliance with environmental and social safeguards requirements. The project Director

Workers total up to 86 staff including 41 to be based at MINEDUC and REB SPIU and other 45 to be based at District level.

- ii. **Masons:** The term “mason” is used in Rwanda as a generic word to name skilled labor in construction, such as masonry builders, iron-men reinforcing concrete, wood-frame makers for concrete, construction painters etc. According to the specific high-intensive and low cost-efficient construction method used by the Home-Grown School Construction Approach, for a typical 8-classroom block plus 12 latrines, a total of a maximum of 24 masons is required. The market-price for construction skilled workers range from 3000 Frw/day for masons (walls builders) to 5000 Frw/day for roof specialists. Considering the schools’ infrastructure (2,704 Classrooms and 3,648 latrines) planned in Year 1, masons (skilled labour) to be hired will total up to approximately 8,112.
- iii. **Helpers:** The term “helper” is used to name unskilled workers who help the masons to ensure that each skilled mason works at his/her best level of efficacy. In the standard organization of the Home-Grown School Construction Approach, there are 2 helpers for one mason. They ensure that materials and tools are always available in time in the masons’ hands. On a typical site of 8-classrooms and 12 latrines, there are 48 helpers. The market price for unskilled workers is 1,500 Frw per day. Considering the schools’ infrastructure (2,704 Classrooms and 3,648 latrines) planned in Year 1, helpers (unskilled labour) to be hired will total up to approximately 16,224.

C. Characteristics of Project Workers:

The following are the key characteristics of project workers:

- The minimum age for project workers is 18 years;
- The project workers’ recruitment will be inclusive vis-à-vis different aspects such as gender and disability;
- The direct workers will be recruited at the central level while construction skilled and unskilled will be recruited at the local level;
- All workers will have work contracts specifying work Terms of Reference.

1. *Timing of Labor Requirements:* The timing and sequencing of labor requirements in terms of numbers, locations, types of jobs and skills required.

The project key staff will be brought on board before the project kickoff to ensure the quick run of the project just from the beginning. These key staff are those for positions related to project coordination and management (SPIU coordinator and programs managers), procurement, finance (Financial Management Specialist), school construction (School Construction Program Manager and School Construction Specialist, School Construction Field Officers), environmental and social safeguards (Environmental Safeguards Specialist, Social Safeguards Specialist and Environmental and Social Safeguards Officers). Other project direct workers will be recruited immediately after the project effectiveness in order to ensure all projects' components activities are implemented as planned. Some of the direct workers will be based at the central level while others will be based at the local level.

The project workers to work on construction sites, skilled and unskilled labor will be recruited before the implementation of subprojects they will be assigned to. The following table shows workers who will be required at different phases of construction activities for the first year.

Estimated Cost for project staff for Year 1					
S/N	Phase	Category of Workers	Workers for 8 classrooms and 12 Latrines	Frequency	Total
1	Excavation Works	Helpers	41	338	13858
		Masons	5	338	1690
2	Foundation Works	Helpers	48	338	16224
		Masons	24	338	8112
3	Concrete Works	Helpers	20	338	6760
		Masons	8	338	2704
4	Elevation Works	Helpers	48	338	16224
		Masons	24	338	8112
5	Roof Trusses	Helpers	18	338	6084
		Masons	8	338	2704
6	Roof Covering	Helpers	15	338	5070

		Masons	5	338	1690
7	Fixing Windows and Doors	Helpers	12	338	4056
		Masons	6	338	2028
8	Internal and External Finishing	Helpers	16	338	5408
		Masons	12	338	4056
9	Painting	Helpers	16	338	5408
		Masons	12	338	4056
10	Pavement	Helpers	42	338	14196
		Masons	18	338	6084

Note:

1. The frequency derives from taking 2,704 classrooms planned in year one divided by 8 so as to get the required workers by application of proportion method.

2. Total number of workers for construction activities (8,112 masons and 16,224 helpers) as indicated earlier corresponds to the number required during foundation works/elevation works as it is at these stages that more workers will be required otherwise workers, hence once counting as same workers will work on different stages except replacement by others depending on the specialization required at a given stage.

3. By taking the first year as a yardstick, projections of workers are 10,292 masons and 20,592 helpers for 3,428 classrooms targeted for Year 2, 9,384 masons and 18,768 helpers for 3,128 classrooms targeted for Year 3 and 5,232 masons and 10,464 helpers for 1,744 classrooms targeted for Year 4.

2. 2. Contracted Workers:

Contracted workers will be hired for construction activities to be implemented through conventional approach; that is construction activities in Teacher Training Colleges and Model Schools. The consultants will also be hired for short term assignments as required for some project components activities implementation. All these will be governed by the contracts between concerned parties before assignments execution and the management of these workers will be explicit in the contracts. Contracted workers will not be engaged through brokers, intermediaries or agents.

5. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Due to the nature of the project and its required smooth implementation, there will be different categories of workers including those at the central level, local level and site level. Apart from direct workers, other workers will include a mixture of those who are skilled and unskilled. the potential labor risks cannot miss and some might be in relation to the type of activities that workers will be engaged in.

1. **Project activities:** The type and location of the project, and the different activities the project workers will carry out.

The project activities to be performed by workers include project planning, management and M&E, procurement management, resources management including fiduciary management, follow up on environmental and social safeguards, follow up and handling school construction activities. For the implementation of construction activities which will be implemented in all districts of the country, construction workers will undertake different activities including mainly excavation of construction site, construction of foundation, concrete and elevation works, roof trussing and covering, fixing windows and doors, internal and external finishing, painting and paving.

Some risks are likely to impose themselves during construction activities and the likely potential labor risks are narrated under the following subheading.

Key Labor Risks:

Workers at construction sites are likely to face risks resulting from hazardous works. The likely risks to be faced by workers at construction sites include the following:

- i. **Injuries:** This is a risk for workers at construction sites and this may result from one of the possible causes such as contact with equipment or falling objects, slips or falls, overexertion, general transportation or exposure to harmful substances. This can result from handling some construction materials at the site such as iron sheets, iron bars, bricks, stones and others.
- ii. **Electrical shock:** This is a risk faced by workers working near overhead power lines and cables. There may also be electrocutions involving workers who are not qualified electricians but who can be involved in carrying out electrical work such as welders

and joiners. This can happen at the time of welding classrooms doors, windows or roof tubes.

- iii. Car/motorcycle accidents:** This risk can happen at the time of transporting construction materials or monitoring activities. Project staff to be based at District level will be required to make a lot of movements to construction sites and those at central level will also travel to construction sites for monitoring purposes. All these are likely to face this type of risk.
- iv. Respiratory Diseases:** Construction sites are a throng of activity and kick up dust; an often invisible, fine, toxic mixture of hazardous materials and fibres that can damage the lungs, leading to respiratory diseases such as obstructive pulmonary, asthma and silicosis.
- v. Noise:** Noise is a major hazard within the construction industry. Repetitive, excessive noise causes long-term hearing problems and can be a dangerous distraction, causing accidents. With many workers working at the same construction site and some welding activities to take place at the construction site, they can produce noise which can cause distractions among workers in case the noise is not controlled.

6. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

This section sets out the *key aspects* of national labor legislation with regards to terms and conditions of work, and how national legislation applies to different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraph 11 (i.e. wages, deductions and benefits).

The working relationship between employers and workers in Rwanda is governed by the Law N° 66/2018 of 30/08/2018 regulating Labour and its implementing orders. This Law applies to employees working in formal sector and informal sector for some aspects such as occupational health and safety, social security, prohibition of child labour etc...(Art.2).

The minimum age for admission to employment is sixteen (16) years. However, a child aged between thirteen (13) and fifteen (15) years is allowed to perform only light works in the context of apprenticeship.

A child below the age of eighteen (18) years is prohibited to work in the following forms of work:

1. forms of work which are physically harmful to the child;
2. work underground, under water, at dangerous heights or in confined spaces;
3. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
4. work in an environment which exposes the child to temperatures, noise levels or vibrations damaging to his/her health;
5. work for long hours or during the night or work performed in confined spaces.

An employment contract for project workers shall be fixed and in written form with specification of employment terms and conditions and shall be signed off by the employer and employee. Upon

performance, some of the workers' contracts shall be renewed if there still activities requiring such workers. Also the employment relationship between the employer and foreign employee is also governed by the Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda.

According to the Article 40 of the above mentioned Law, an employee has the rights to work in an environment where health and safety in the workplace are guaranteed, receive equal salary for works of equal value without discrimination of any kind, to be provided leave as provided for by the Law, join a trade union of his/her choice and to be trained by his/her employer.

The maximum working hours are forty-five (45) hours per week. However, an employee can work extra hours upon the agreement with his or her employer and daily timetable for work hours and break for an employee is determined by the employer. An employer provides an employee with a break of not less than twenty-four (24) hours a week. In case an employee has worked extra time, he or she is entitled to a rest or payment for compensating the working overtime.

On the aspect of leave, an employee is entitled to an annual leave. He/she can also receive circumstantial leave, maternity, sick leave or authorized absence and has the right to official public holiday and benefits from his/her full salary.

An employee is entitled to his or her salary for the work done and which is paid every day for an employee employed on hourly or daily basis, every week for an employee recruited for a week, every fifteen days for an employee recruited for a fortnight and every month for employee recruited on a one-month basis.

In terms of social security, an employer shall affiliate direct workers to Rwanda Social Security Board (RSSB) for occupational risks and pension.

The termination of an employment contract will be subject to a legitimate reason and notice period of at least fifteen (15) days, in case an employee has served for less than one (1) year and at least thirty (30) days, in case an employee has served for more than one (1) year. Any unlawful termination of employment contract gives rise to the payment of damages which cannot go below his/her three (3) months' salary, nor exceed his/her six (6) months' salary.

The termination of employment contract due to economic reasons, technological transfer or sickness for an employee having served for at least twelve (12) consecutive months entails the employee's right to terminal benefits (Article 31 of Labour).

As per provision stipulated in the Rwandan labour law, cases of labour disputes will be settled amicably at the level of workers Delegates. If not possible, the concerned party refers the matter to the labour inspector of the area where enterprise is located. When the case is not resolved at the level of labour inspectorate, it is referred to the competent court.

The case of *likely presence of migrants or seasonal workers* will be managed as per the law n° 66/2018 of 30/08/2018 regulating labour in Rwanda in its Article 12 which provides for that “the employment relationship between the employer and foreign employee is governed by this Law unless otherwise provided for by international treaties ratified by Rwanda.” In this project, there may be a possibility of employment of migrants and seasonal workers. In the event of their employment, provisions of the law regulating labour in Rwanda and other relevant laws on these matters shall be applied.

The law N°57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda also provides for the matters relating to residence permit for a foreign employee who works in Rwanda as determined by the Rwandan immigration and emigration Laws. This will for instance apply in case there are foreign consultants to work on some project activities. Similarly, foreign workers may be applicable for positions planned for coaches or construction activities for Teacher Training Colleges and Model Schools where contractors will be necessary.

The Article 33 of the above law provides for requirements for the foreign employee to be given employment and those requirements include possession of appropriate residence permits and other relevant documents allowing him/her to work and stay in Rwanda.

The recruitment of project workers will be free from any kind of discrimination as provided for by the Law regulating Labour in Rwanda especially in its article 9 stipulating that “An employer must give employees equal opportunities at the workplace”.

“An employer is prohibited from discriminating employees on basis of ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural difference, language, physical or mental disability or any other form of discrimination. Every employer must pay employees equal salary for work of equal value without discrimination of any kind”. The same provision of the law will also be applicable in case of any labour influx occurrence.

The existing laws also have provisions applicable for handling some potential risks. As a matter of instance, the article 5, 6 and 7 of the labour law provide for that the minimum age for employment is 16, so it is prohibited to employ a child and use of forced labour. This addresses the likely incidents of child labor or forced labor, with reference to the sector or locality.

The Article 117, 118, 119, 120 and 121 of Law n° 66/2018 of 30/08/2018 regulating labour in Rwanda provides for penalties and administrative sanctions for employment of children and

offences related to occupational health and safety and other actions of non-compliance with labor standards.

Gender based violence is not acceptable in Rwandan Laws, in the event of occurrence, it will be punished in accordance with relevant laws. This differs from discrimination in general as this is specifically related to any mistreatment or non-provision of any rights to any worker on grounds of one's gender. This will be prohibited and punished in case of occurrence. The code of conduct will be developed and provided to project workers to ensure that each is cognizant of what behaviors are acceptable and what are not so that they can abide by provisions around the two types of behaviors. The Environmental and Social staff will remind workers about the code of conduct provisions in different sessions they will hold at construction sites and the same staff will monitor the adherence to it by workers.

As regards general understanding and implementation of occupational health and safety requirements The National Policy on Occupational Safety and Health of 2014 and the Law n° 66/2018 of 30/08/2018 regulating labour in its article 77 provides for that an employer must ensure the health, safety and welfare in the workplace for employees working in his/her enterprise and for all persons who frequent the enterprise.

In the same view, during the implementation of this project, where contractors will be hired for construction activities through conventional approach, contractors will be responsible for protection of workers against risks related to Occupational Health and Safety. Similarly, the employer will protect direct workers from OHS related risks through provision of health insurance and ensuring that the working environment is safe and secured. The comprehensive insurance will be provided for construction sites. There will be a precondition that local labour will be hired upon possession of health insurance and this has taken roots among Rwandan citizens to ensure they have the valid health insurance at the beginning of each and every fiscal year.

The Policy and Laws on Occupational Health and Safety mentioned above also provide that an employer conducts a risk assessment at workplace, develops workplace health and safety guidelines, recruits a Personnel in charge of Occupational Health and Safety where is required by the law and establishes Occupational Health and Safety committees. It is in this framework that, the employer and contractors will be required to respect these legal requirements for ensuring safety and health of workers.

Vulnerable project workers such as women and workers with disabilities will be given due attention by protecting them from any form of mistreatment or harassment and will be provided with assistance whenever deemed necessary.

7. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Generally, National legislation provides for all five branches of Occupational Safety and Health namely: occupational medicine, occupational hygiene, occupational ergonomics, occupational psycho-sociology and occupational well-being.

Specifically, the Ministerial Order N°02 of 17/05/2012 sufficiently provides conditions for Occupational Health and Safety provides for employers' duties as well as employee's duties for Occupational Health and Safety at workplace.

The duties of the employer include the following:

- Ensure the health, safety and welfare at workplace for all persons working in his/her workplace.
- Provide workers with work premises and tools that are appropriate for the work to be done and adequately protect the worker from any damage to his/her health;
- Assure the workers, in consideration of their activities, of regular, reliable and timely renewal of collective and individual means for specific protection;
- Conduct a prior identification and analysis of hazards and risks that may result from the nature of the work such as its location and the work environment, machinery, materials and products to be used, as well as the process and conditions under which the work is done and to take effective protective measures;
- Informing employees about any risks likely to result from the use of new technologies and its imminent danger;
- Ensure that information linked to the protection system is in a clear and readable language and is regularly displayed on all premises likely to cause risks;
- Ensure the respect of measures on protection of health and safety at work place as taken by competent authorities;
- Make no deductions from an employee's remuneration, levy or charge an employee in respect of anything done or provided in pursuance of this order or any regulation made thereunder;
- Notify to the national occupational safety and health professional/expert and the labour inspector in Districts, and the social security organ any accident, dangerous occurrence, or occupational poisoning which has occurred at the workplace; within four (4) days of the occurrence of the accident.

On the other hand, the duties of employees/workers include the following:

- Avoid and declare to his/her colleagues all that could endanger either his/her own safety and health, or that of his/her colleagues or third parties at work;
- Observe all rules and regulations issued to him/her due to the specific nature of his/her operations;
- Immediately declare to the employer any occurrence of infection, such as any skin or moist tissue linings infection or any disease likely to be related to the work;

- Have any wound treated and protected in case of handling substances likely to be contaminated by infectious germs or toxic
- Immediately report any damage on premises for both individual and collective protection;
- Avoid damaging, dirtying or misusing the prescribed means of protection availed to him/her.

8. RESPONSIBLE STAFF

This section identifies the organs and/or staff within the project who will be responsible for engagement and management of project workers in respect to the categories they belong to. The organs/staff who will be responsible for OHS, training of workers, addressing workers' grievance are also identified under this section.

- ***Engagement and management of project direct workers***

The project direct workers will be managed under the framework of MINEDUC Management.

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

The contractors will be managed by the MINEDUC SPIU headed by SPIU Coordinator while subcontractors will be managed by the contractors

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

This responsibility will be under the attributions of the Environmental Safeguards Specialist, Social Safeguards Specialist as well as the Environmental and Social Safeguards Officers to ensure safety and health at workplaces.

- ***Training of workers***

Training will be managed under existing structures of RDB specifically under its department of Capacity Development and Employment. However, training of staff on Occupational Health and Safety (Hygiene, STDs, GBV, SEA etc) will be the responsibility for MINEDUC/SPIU in collaboration with relevant institutions such as Ministry of Labour and Public Service and Districts. Contractors will as well undertake this responsibility for their employed workers. the Capacity Building Specialist under the office of the SPIU Coordinator shall be in charge of following up these trainings and will report to the SPIU Coordinator who in turns reports to the MINEDUC Management.

- ***Addressing workers' grievances***

As a normal framework, direct workers' grievances/disputes will be handled by employees' representatives through amicable settlement, by labour inspectors (at MIFOTRA or District Level) in case the amicable settlement fails to work and courts of law or Kigali International Arbitration Centre (KIAC) in case grievances are not handled by labour inspectors.

Grievances from contracted workers and construction sites skilled and unskilled labour will be handled through Grievance Redress Committees established at different levels as stated in the project Environmental and Social Commitment Plan (ESCP). . In order to handle site-level grievances, Grievance Redress Committees (GRCs) will be established at each cell level (the smallest administrative unit of the local authorities). A second layer of GRCs will be set up at sector level to handle issues that are not resolved at the cell level and a final level of GRCs will be established and operationalized at the district level (combining representatives of the District authorities and the MINEDUC-SPIU) in order to handle issues that have not been resolved at the two lower levels.

9. POLICIES AND PROCEDURES

This section sets out information on OHS, reporting and monitoring and other general project policies. Where relevant, it identifies applicable national legislation.

In the event of identification of risks, the following will be done according to national legislation:

- Occupational health and safety: It is a legal requirement for an employer to conduct risk assessment as per the Ministerial Order N°02 of 17/05/2012 Determining Conditions for Occupational Health and Safety. After risks are identified, the law provides that the employer must put in place preventive and control measures (as per hierarchy of control measures) in consultation with workers through occupational health and safety committees. In addition, the labour law provides for penal and administrative penalties in case of non-compliance with labour provisions. Prior to undertaking construction activities, potential risks will be assessed at the construction sites and this will be undertaken by the environmental safeguards Specialist, social safeguards specialist and environmental and social safeguards officers.

Correspondingly, as provided for by the Ministerial Order N°01 Of 17/05/2012 Determining Modalities of Establishing and Functioning of Occupational Health and Safety Committees, issues related to OHS for direct workers will be handled by the OHS committee of the project implementing institutions whereas OHS related issues at the site will be handled by Grievance Redress Committees at Cell, Sector and District level respectively.

- Child labour: Various measures have been put in place to prevent and control child labour such as establishment of child labour prevention committees from District to Village level. In the event of identification of child labour or forced labour cases, it will be reported to the

above committees from village level through District level and membership of these committees will include local authorities at Cell, Sector and District level (The labour law also provides for penal and administrative penalties in case of non-compliance with labour provisions.)

10. AGE OF EMPLOYMENT

As regards age of employment, the provisions stated under point 6 above apply. Nevertheless, it is worth to make clarifications on the following aspects.

Process that will be followed to verify the age of project workers

In accordance with the Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda, through labour inspection, project personnel in charge of environment and social safeguards will inspect the workplace to ensure that there are no underage workers employed in the project and compliance with national and international labour standards. The environmental and social safeguards officers based at the District level will inspect construction sites on a monthly basis while those based at central level will carry out the monitoring activity which also inspect compliance vis-à-vis employment of labour with required age. In case of noncompliance, the sanctions provided by the Law mentioned above in its articles 117,119 and 121 will be applied

Procedure to be followed if underage workers are found working on the project

According to the Law regulating Labour in Rwanda in its Article 117, the employment of underage worker is a criminal case. In case it is revealed that an employer has employed underage workers, the case will be reported to the concerned authorities and the employer will be prosecuted.

Procedure for conducting risk assessments for workers aged between the minimum age and 18

Risk assessment for the prevention of occupational risks is a responsibility of an employer according to the Law regulating Labour in Rwanda. The procedure for conducting risk assessments for project workers and more particularly for workers aged between the minimum age and 18 will be the following:

- a) to assess risks of occupational accidents and diseases;
- b) to develop occupational safety and health guidelines and monitor their implementation;
- c) to prevent risks of occupational accidents and diseases;
- d) to reduce in the best possible way risks of occupational accidents and diseases;
- e) to fight occupational accidents and diseases;
- f) to adapt modalities of preserving occupational health and security of employees with new technology.

11. TERMS AND CONDITIONS

This section sets out details regarding:

- Specific wages, hours and other provisions that apply to the project

For project workers, wages are determined in accordance with relevant laws.

For contracted workers, specific wages will be calculated upon negotiations between contractor and workers. However, according to the Law regulating Labour in Rwanda, an employer must pay employees equal salary for work of equal value without discrimination of any kind.

- Maximum number of hours that can be worked on the project

The maximum number of working hours is 45 hours per week. However, the overtime is accepted and its compensation is regulated by the law.

- Any collective agreements that apply to the project. When relevant, provide a list of agreements and describe key features and provisions

Collective agreement is accepted by the Law regulating Labour in Rwanda. As such, during the implementation of this project, the parties (employees' representatives and employers) who may wish to enter into collective agreement will follow the provisions of laws.

12. GRIEVANCE MECHANISM

Provisions in law N° 66/2018 of 30/08/2018 regulating labor in Rwanda will be applied for Grievance Redress Mechanism for workers. Grievance redress mechanism shall be established under MINEDUC-SPIU to address complaints arising during the project implementation. Project direct workers will be informed about the grievance redress mechanism during meetings at the time of the induction and where training will be provided where required. Contracted workers will be informed about grievance redress mechanism through meetings at workplaces as well as notices to be made available at the workplace. The Grievance Redress Committees (GRCs) to be established as mentioned earlier will also handle the arising grievances. The process pertaining to how to go about grievances handling are documented in POM. The GRCs will be established and operationalized by November 2019.

14. PRIMARY SUPPLY WORKERS

Where a significant risk of child labor or serious safety issues in relation to primary suppliers has been identified, the procedure for monitoring and reporting on primary supply workers will involve various measures that have been put in place to prevent and control them such as establishment of child labour prevention committees from District to Village level. In the event of identification of

child labour cases, it will be reported to concerned authorities (The labour law also provides for penal and administrative penalties in case of non-compliance with labour provisions. In case of occurrence, the sanctions provided by labour law will be applied.

ANNEXES

ANNEX 1: INDIVIDUAL CODE OF CONDUCT IN CASE OF CONTRACTOR

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards

Preventing Gender Based Violence (GBV) and Violence Against Children (VAC)

I, _____, acknowledge that adhering to environmental, social health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable, be it on the work site, the work site surroundings, at worker's camps, or the surrounding communities.

The company considers that failure to follow ESHS and OHS standards, or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC 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's environmental and social management plan (CESMP).
- Implement the OHS 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.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, 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 children—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—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior. Ex. 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 consent¹ by all parties involved, I shall not have sexual interactions with members 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—such sexual activity is considered “non-consensual” within the scope of this Code.
- Consider reporting through the GRM (Grievance Redress Mechanism) or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my employer or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible.
- Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any medium (see also “Use of children's images for work related purposes” below).
- Refrain from physical punishment or discipline of children.

¹ **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

- Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- Comply with all relevant local legislation, including labor laws in relation to child labor.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film shall be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer shall take disciplinary action which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week's salary.
- Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- Termination of employment.
- Report to the police if wanted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I shall adhere to the occupational health and safety management plan. That I shall avoid actions or behaviours that could be construed as GBV or VAC. Any such actions shall be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action

mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ANNEX 2: INDIVIDUAL CODE OF CONDUCT IN CASE OF HOME GROWN SCHOOLS CONSTRUCTION APPROACH

Implementing Environmental, Social Health and Safety (ESHS) and Occupational Health and Safety (OHS) Standards

Sexual Exploitation and Abuse (SEA), Sexual Harassment (SH) and Violence against Children (VAC)

I, _____, acknowledge that sexual exploitation and abuse (SEA), sexual harassment (SH), Violence against Children (VAC) and other unethical behaviors are prohibited at workplace, while adhering to Environmental, Social Health and Safety (ESHS) standards and following the project's Occupational Health and Safety (OHS) requirements is a must at workplace. As an employee ofSector;District in Rwanda, I acknowledge that sexual exploitation and abuse (SEA),sexual harassment (SH), violence against children (VAC) and other unethical activities, not adhering to Environmental, Social, Health and Safety (ESHS) standards and not following the project's Occupational Health and Safety(OHS) requirements on the work site, the work site surroundings, or the surrounding community constitute a violation of this *Code of Conduct*. I understand SEA, SH,VAC and other unethical activities, not adhering to ESHS standards and not following OHS requirements are grounds for sanctions, penalties or potential termination of employment. I pledge not to commit SEA, SH, VAC or other unethical offense, otherwise I will undergo the above punishments, including being pursued by prosecution.

I agree that while working on the project I will:

- Treat all persons, including children (persons under the age of 18), with respect regardless of sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, gender identity, sexual orientation, property, disability, birth or other status.
- Commit to creating an environment which prevents SEA, SH,VAC and unethical practices and promotes this code of conduct. In particular, I will seek to support the systems which maintain this environment.
- **Not** participate in SEA, SH, VAC and other unethical activities as defined by this *Code of Conduct* and as defined under Rwandan law.
- **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 anyone below the age of 18. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense. I will not participate in actions intended to build a relationship with a minor that will lead to sexual activity.
- **Not** solicit/engage in sexual favors in exchange for anything as described above.
- Unless there is the full consent by all parties involved, recognizing that a child is unable to give consent and a child is anyone under the age of 18, I will not have sexual interactions with coworkers or any members of the surrounding communities. This includes relationships involving

the withholding or promise of actual provision of benefit (monetary or non-monetary) to coworkers or community members in exchange for sex—such sexual activity is considered “non-consensual” under this Code.

- Reveal any case related to hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- Always 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 requiring employee compliance and adherence to implement the District’s environmental and social management plan (D-ESMP) and any relevant instructions which will be provided by the employer in relation to Environmental and Social Safeguards requirements
- **Not** manifest any kind of robbery or theft of any kind at the workplace.
- Fully observe the principle of honesty, integrity, fair play and mutual respect at work
- Avoid soliciting or accepting any advantage from any persons to in turn secure ineligible benefits of any kind from the project
- Avoid using the employment position or any information made available to me in the course of my duties for not deserved personal gains or gains of any other persons.
- Ensure proper use, maintenance, safety and security of site property and materials.
- Always possess at my disposal a valid personal Health Insurance during employment period,
- Not be indulged in any form of interpersonal conflict such as fighting, insults, abuse of any sort, etc
- Observe working hours, avoid absenteeism without genuine reasons and fully work as required

I commit to:

- Adhere to the provisions of this code of conduct both on and off the project site.
- Attend and actively partake in training courses related to preventing SEA,SH and other unethical practices as requested by my employer.

If I am aware of or suspect SEA,SH and any other unethical practice, at the project site or surrounding community, I understand that I am encouraged to report it to the Grievance Redress Committee (GRM) for case proper follow up and handling. The safety, consent, and consequences for the person who has suffered the abuse will be part of my consideration when reporting. I understand that I will be expected to maintain confidentiality on any matters related to the incident to protect the privacy and security of all those involved.

Sanctions: I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary actions which could include:

- Informal warning or formal warning
- Additional training.
- Loss of payment.
- Suspension of employment (with or without payment of worked days)

- Termination of employment.
- Report to the police, Rwanda Investigation Bureau (RIB) or other authorities as warranted.

I understand that it is my responsibility to adhere to this code of conduct. That I will avoid actions or behaviors that could be construed as SEA, SH, VAC and unethical practices. I will avoid any activity that could hinder the implementation of Environmental, Social, Health and Safety (ESHS) standards and Occupational Health and Safety (OHS) requirements Any such actions will be a breach to this Individual Code of Conduct. I acknowledge that I have read the Individual Code of Conduct, do agree to comply with the standards contained in this document, and understand my roles and responsibilities to prevent and potentially report SEA, SH, VAC and other unethical issues, environmental damage, health and safety problems. 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 and may affect my employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____