

**KENYA GREEN AND RESILIENT EXPANSION OF ENERGY (GREEN) PROGRAM  
(P180465)**

**(SUSWA STATCOM, RABAI PROJECT, AND THE 400/220KV KIMUKA  
SUBSTATION AND ASSOCIATED LOOP IN LOOP OUT)**

**LABOUR MANAGEMENT PROCEDURES**



**Kenya Electricity Transmission Company Ltd.**  
Kawi Complex, Block B, Off Popo Road, Off Red Cross Road, South C  
P.O Box 34942-00100 Nairobi, Kenya  
Tel: +254 4956000, +254 0719 018 000

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## **LIST OF ABBREVIATIONS**

<b>ACRONYM</b>	<b>MEANING</b>
AC	Alternating Current
AHF	AIDS Healthcare Foundation
CBOs	Community Based Organizations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EHS	Environment, Health and Safety
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Safeguards
EU	European Union
GBV	Gender Based Violence
GN	Guiding Condition
GRM	Grievance Redress Mechanism
HIV / AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
HVDC	High Voltage Direct Current
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICRMW	Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
ILO	International Labor Organization
KETRACO	Kenya Electricity Transmission Company
Kv	Kilo volts
LILO	Loop In Loop Out
LMP	Labour Management procedures
MoH	Ministry of Health
NACC	National AIDS Control Council

ACRONYM	MEANING
NGOs	Non-Governmental Organizations
OHS	Occupational Health & Safety
OSH	Occupational Health and Safety
OSHA	Occupational Health and Safety Act
PCC	Point of Common Coupling
PIT	Project Implementation Team
PLWDs	People living with disabilities
PPE	Personal Protective Equipment
SEA	Sexual Exploitation & Abuse
SEP	Stakeholder Engagement Plan
SH	Sexual Harassment
SS	Substation
STATCOM	Static Synchronous Compensators
STDs	Sexually Transmitted Diseases
SVC	Static Var Compensators
TL	Transmission line
WB	World Bank
WHO	World Health Organization
WHO	World Health Organization

## Table of Contents

<b>1 LIST OF TABLES .....</b>	<b>ii</b>
<b>2 OVERVIEW OF LABOR USE IN THE PROJECT .....</b>	<b>1</b>
<b>2.1 Introduction .....</b>	<b>1</b>
<b>2.2 Objectives of the LMP .....</b>	<b>1</b>
<b>2.3 Scope of workers .....</b>	<b>1</b>
<b>2.4 Linkages with other management plans.....</b>	<b>2</b>
<b>2.5 Project brief.....</b>	<b>Error! Bookmark not defined.</b>
2.5.1 Location.....	<b>Error! Bookmark not defined.</b>
2.5.2 Project context and setting.....	<b>Error! Bookmark not defined.</b>
2.5.3 Project justification .....	<b>Error! Bookmark not defined.</b>
<b>3 ASSESSMENT OF KEY POTENTIAL LABOR RISKS.....</b>	<b>2</b>
<b>3.1 Introduction .....</b>	<b>2</b>
<b>3.2 Risks classification .....</b>	<b>2</b>
3.2.1 Hazardous work/ OSH issues .....	2
3.2.2 Child and Forced Labor.....	3
3.2.3 Labour Influx risks.....	3
3.2.4 Seasonal workers.....	<b>Error! Bookmark not defined.</b>
3.2.5 Discrimination and exclusion of vulnerable groups. ....	3
<b>4 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS</b>	<b>3</b>
<b>4.1 Introduction .....</b>	<b>4</b>
<b>4.2 The Kenyan Legal Context.....</b>	<b>4</b>
4.2.1 Constitution of Kenya .....	4
4.2.2 The Employment Act, 2007 .....	4
<b>4.3 International Legal Context.....</b>	<b>6</b>
4.3.1 International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD);.....	6
4.3.2 Convention on the Rights of the Child, 1990, (CRC);.....	6
<b>4.4 .....</b>	<b>Error! Bookmark not defined.</b>
4.4.1 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 (ICRMW).....	6
4.4.2 Convention on the Rights of Persons with Disabilities; (CRPD) .....	6
4.4.3 Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW). ....	7
<b>4.5 International Labor Organizations' conventions .....</b>	<b>7</b>
4.5.1 Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) 7	
4.5.2 Right to Organize and Collective Bargaining Convention, 1949 (No. 98) .....	7
4.5.3 Forced Labour Convention, 1930 (No. 29) .....	7
4.5.4 Abolition of Forced Labour Convention, 1957 (No. 105) .....	7
4.5.5 Discrimination (Employment and Occupation) Convention, 1958 (No. 111):- .....	7
4.5.6 Equal Remuneration Convention, 1951 (No. 100).....	7
4.5.7 Minimum Age Convention, 1973 (No. 138) .....	8
4.5.8 Worst Forms of Child Labour Convention (1999) (No. 182.....	8
<b>4.6 African Instruments .....</b>	<b>8</b>
4.6.1 African [Banjul] Charter on Human and Peoples' Rights: .....	8
4.6.2 African Charter on the Rights and Welfare of the Child.....	8

<b>5 BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY .....</b>	<b>9</b>
<b>5.1 Introduction .....</b>	<b>9</b>
<b>5.2 Occupational Health and Safety .....</b>	<b>9</b>
<b>5.3 Protection against COVID-19 .....</b>	<b>12</b>
<b>6 RESPONSIBLE STAFF .....</b>	<b>13</b>
<b>6.1 Introduction .....</b>	<b>13</b>
6.1.1 Project Administrative framework.....	13
6.1.2 KETRACO Project Implementation Team .....	13
6.1.3 Third Parties- Contractors/ sub-contractors .....	14
<b>7 POLICIES AND PROCEDURES .....</b>	<b>16</b>
<b>7.1 Introduction .....</b>	<b>16</b>
<b>7.2 Approach .....</b>	<b>16</b>
<b>8 TERMS AND CONDITIONS.....</b>	<b>21</b>
<b>9 GRIEVANCE MECHANISM FOR WORKER RELATED ISSUES .....</b>	<b>23</b>
<b>10 CONTRACTOR MANAGEMENT .....</b>	<b>25</b>
<b>11 PRIMARY SUPPLY WORKERS.....</b>	<b>26</b>
<b>12 References.....</b>	<b>26</b>

## **LIST OF TABLES**

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Table 1: GPS coordinates of the proposed project location within Suswa subcounty .....	<b>Error! Bookmark not defined.</b>
Table 2: The coordinates of New Kimuka substation.....	<b>Error! Bookmark not defined.</b>
Table 3: GPS coordinates for the proposed STATCOM project within the existing Rabai 220kV/132 kV substation .....	<b>Error! Bookmark not defined.</b>
Table 4: Analysis of applicable regulatory frameworks.....	11
Table 5 : Potential labor risks and appropriate mitigation measures .....	16

## **TABLE OF FIGURES**

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Figure 1: STATCOM location in relation to other facilities at site.....	<b>Error! Bookmark not defined.</b>
Figure 2: Location of New Kimuka 400/220kV and Existing Kimuka 220/66kV substations, LILO from Suswa-Isinya Transmission Line and Connection Between Substations. ....	<b>Error! Bookmark not defined.</b>
Figure 3: Google earth satellite Imagery for the proposed STATCOM development area within Rabai 220 kV/ 1320 kV SS ( Image year- 2023 .....	<b>Error! Bookmark not defined.</b>

## **1 OVERVIEW OF LABOR USE IN THE PROJECT**

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### **1.1 Introduction**

This Labor Management Procedures (LMP) describes the requirements and expectations in terms of compliance, reporting, roles, supervision, and training with respect to labor and working conditions, including camp accommodation. This LMP is expected to be adopted and applied by Kenya Electricity Transmission Company (KETRACO), contractors and sub-contractors and project workers throughout development and implementation of the Kenya Green and Expansion of Energy (GREEN) Program phase 2, with emphasis on the transmission component which includes (Suswa and Rabai STATCOMs, and the 400/220kV Kimuka substation and associated Loop In Loop Out (LILO)).

The LMP is a living document that will be reviewed and updated as the project advances, and as new stakeholders and categories of workers get involved in the various activities. The Plan is in line with national requirements as well as the objectives of the World Bank's Environmental and Social Framework, specifically objectives of Environmental and Social Standard 2: Labor and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4).

### **1.2 Objectives of the LMP**

The objectives of this LMP are to:

- Promote fair and equitable labour practices for fair treatment, non-discrimination, and equal opportunity of workers.
- Establish, manage, promote, and maintain a healthy management-worker relationship.
- Protect project workers' rights including, vulnerable workers such as PWDs, and third-party workers.
- Safeguard the health and safety of the surrounding community from the impacts directly or indirectly related to the project activities.
- To protect and promote the health of workers.
- Provide project workers with accessible means to raise workplace concerns.

### **1.3 Scope of workers**

This LMP applies to:

- **Direct Workers:** KETRACO staff who shall constitute the Project Implementation Team (PIT). An estimated number between 15 to 30 dedicated KETRACO staff will constitute the PIT, tasked to oversee the implementation of the projects. The mode of engagement is fulltime and will be involved in all phases of the project.
- **Contracted Workers:** Workers engaged by contractors and subcontractors to perform work related to core business of the project for a substantial duration (contracted workers). An estimated workforce of between 30-50 workers for each of the STATCOMs and 150 to 250 workers for the 400/220kV Kimuka substation and associated LILO who are in the skilled, semi-skilled, and casual labor brackets. The LMP scope covers the contracted workers whose employment is either full-time, part time, temporary, or seasonal. It is envisioned that no labor agents or intermediaries will be utilized in the sourcing of labor for this project.
- **Primary Supply workers:** Workers who will be engaged by the client's and contractors' primary suppliers. A combined estimated workforce of 100 workers will be engaged. The primary supplier involves supplying to site of construction material such as sand, ballast, building blocks,

tower members, electrical equipment among others. This service provision and workforce thereof is hinged around transport and hauling.

In employment of workers for the construction of the sub-projects, the following shall be considered:

- Follow the Kenyan constitution which requires 1/3 rule composition of workforce to be of either gender at a minimum in all the three sub project components. This will be achieved by ensuring unskilled labor is sourced from the community as applicable.
- Not employ child labor (persons under 18 years of age) in all the three sub project components.
- Ensure female workers are accorded equal opportunities to participate in the three sub – project components.
- Special consideration for unskilled and semi-skilled labour will be given for people living with disabilities (PLWDs) and Youth in all the three sub project components at the Rabai & Suswa STATCOM and Kimuka sub station and associated LILO , as well as Maasai VMGs and minority clans at Suswa and Kimuka and associated LILO sub project components.
- PAPs affected in the event of wayleave creation for Kimuka substation LILO shall be considered for semi-skilled and unskilled opportunities or skilled opportunities if qualified.

#### **1.4 Linkages with other management plans**

This Plan must be read alongside the respective independent Environmental and Social Impact Assessments (ESIAs) reports with emphasis on the Environmental and Social Management Plans (ESMPs) for the three subprojects, as well as the Stakeholder Engagement Plan (SEP): The SEP describes the stakeholder identification and prioritization, engagement approaches and strategies for the local, regional, and national stakeholders. It is therefore an instrument for mapping and prioritizing stakeholders across levels and regions; for guiding planned consultations and disclosure of relevant project information to/with identified stakeholders throughout the project cycle.

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## **2 ASSESSMENT OF KEY POTENTIAL LABOR RISKS**

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### **2.1 Introduction**

Workplace labor issues are a commonplace occurrence in projects and organizations that have not entrenched labor force welfare and project-community interaction in their governance structure and leadership.

This section gives details of the potential labor risks associated with the installation of STATCOM at Suswa and Rabai and Kimuka substation site construction. The mitigation measures are presented in table 4 (Page 9).

### **2.2 Risks classification**

#### **2.2.1 Hazardous work/ OSH issues**

- **Electrocution:** - The Suswa STATCOM installation shall be undertaken within a live electrical substation bearing high voltage power. This presents a considerable risk to workers working in all aspects of the STATCOM installation. Notably, Suswa is a critical power for Kenya, therefore a complete substation shut down to pave way for the installation is not envisaged.
- **Working at height:** - The installation of STATCOMs may require working at a height that has inherent risks if not well managed. The associated risks include fall from height, falling

equipment/parts/ tools or potential collapse of structures.

- Other potential risks associated with the installation include tripping, burns, EMF exposure risks, and excessive noise, among others.

### **2.2.2 Child and Forced Labor**

- Due to perceived temporary increased opportunities for the local community to sell goods and services to the incoming workers, underage children may drop out of school to produce and deliver such goods and services, which in turn can result in child labour.

### **2.2.3 Labour Influx risks**

- **Unwelcome guests:** Migrant Suswa areas and its environs have been a recipient of a number of infrastructural projects as earlier indicated. A few of the projects have been completed while others are ongoing or planned. This being the case, the area has a frequent influx of guest people in pursuit of employment opportunities who are at times not welcome as such by the host community.

- **Gender-based violence (GBV), Sexual exploitation and abuse (SEA), Sexual Harassment (SH)**

Labour influx encourages fraternization (refers to conducting close social relations, which are considered inappropriate with people who are unrelated to one another). In the context of labor influx, it involves incoming workers' pursuit of social contact, typically with female members of the local community. This can lead to a spectrum of unacceptable and/or illicit behavior, ranging from unwanted aggressive advances and sexual harassment to gender-based violence against women and children. Several factors can increase the risk of such gender-based violence against local women and children.

- Workers on infrastructure projects are predominantly young and male. Those who are incoming are single or are separated from their family or spouse and are outside their habitual sphere of social control. Further, in peri-urban settings, where the presence of law enforcement is often low, the risk of sexual harassment for local women is likely higher, for younger women and girls, but also boys.

### **2.2.4 Discrimination and exclusion of vulnerable groups and Maasai VMGs.**

If unmitigated, vulnerable groups and individuals as well as communities who meet the requirements of the World Bank ESS7 may be subject to increased risk of exclusion from employment opportunities under the project. Such vulnerable groups and individuals include, women, female headed households, persons abled differently and those communities who meet requirements of the World Bank ESS7.

## **3 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS**



### **3.1 Introduction**

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).

### **3.2 The Kenyan Legal Context**

Kenya has a very elaborate legal framework on matters of labor and working conditions.

#### **3.2.1 Constitution of Kenya**

The Constitution of Kenya (CoK) 2010 provides several relevant clauses including *Article 2* which recognizes ratified treaties as part of the laws of Kenya. *Article 41* (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 labor 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.

#### **3.2.2 The Employment Act, 2007**

The *Employment Act 2007* is Kenya's legislative enactment on the laws governing employment. It addresses itself to regulating the tripartite relationship that exists between the employers, employees and the government including the State's mediator-role in safeguarding the entitlements of both parties. The *Act*, which has been amended several times, defines the fundamental rights of employees, and provides basic conditions of employment for employees, including the regulation of employment of children. As such, this Act most closely aligns with essential imperatives that are evident in the ESS2 Standard of the World Bank.

The Act has a single subsidiary legislation titled the *Employment (General) Rules, 2014* that largely expounds on the terms and conditions of work - aside from other procedural aspects; with an entire schedule outlining the minimum rights bestowed upon employees, and another dedicated to the requisite elements of the *Policy Statement on Sexual Harassment*.

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.

The law has different approaches to defining the categories of employees, such as: by nature, and length of the employee engagements. The categories include casual employees (who are not engaged for a longer period than *24 hours* at a time), part-time, full-time employees, piece work (where the focus is the amount of work performed irrespective of the time occupied in its performance) and employees with probationary contracts (which address the formalities and length of the probationary period). 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 statutory standards.

It is notable that the Kenyan national laws are aligned to the requirements of ESS2, paragraph 11 on wages, deductions, and benefits.

It is also worth noting that Kenya is a member of the International Labor Organization (ILO) and has ratified 52 ILO conventions. Specifically, Kenya has ratified 7 out of the 10 Fundamental conventions, 3 out of the 4 governance conventions, and 42 out of the 177 technical conventions.

### **3.2.3 The labour relations Act of 2007**

The Act consolidates the law relating to trade unions and trade disputes, to provide for the registration, regulation, management and democratization of trade unions and employers organizations or federations, to promote sound labor relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development and for connected purposes. The Act provides for a collective agreement is defined in the Labour Relations. Act as “A collective bargaining process precedes this.

The process of collective bargaining is not specifically provided for in law, but there are prerequisite conditions, which must be fulfilled before parties may proceed with bargaining process. Such conditions are contained in the Labour Relations Act, No. 14 of 2007. In section 184 of the Labour Relations Act, there is a requirement that the trade union must have legal recognition in law that is duly registered by having a constitutional jurisdiction.

The law has different approaches to defining the categories of employees, such as: by nature, and length of the employee-engagements. The categories include casual employees (who are not engaged for a longer period than 24 hours at a time), part-time, full-time employees, piece work (where the focus is the amount of work performed irrespective of the time occupied in its performance) and employees with probationary contracts (which address the formalities and length of the probationary period). 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 Industrial Court of Kenya is not mentioned in the Constitution 2010 but was established in 1964 under the Trade Dispute Act (Cap. 234). The Industrial Court has found its current shape in 1971, when the Trade Dispute Act was amended in the light of the experience gained from 6 years of practical application. The purpose of the Court is the settlement of trade disputes. Vide the provisions of section 14, Trade Dispute Act (Cap. 234), the President of the Republic may establish the court, and determine the number of judges (not less than two). Eight members are appointed by the Minister after consultation with the Central Organization of Trade Unions (CETU) and the Federation of Kenyan Employers (FKE). Whenever it appears to be expedient, each judge appoints two assessors, one to

represent employees, from a panel of assessors appointed by the Minister, to assist in the determination of any trade dispute before the Court. The jurisdiction of the Court is exercised by the judge and the two other members. Only in the case that they are not able to agree, the matter will be decided by the judge “with the full powers of an umpire” (section 14 (8) Trade Dispute Act (Cap. 234)). This is also a fallback avenue if something is not adding up between a worker and the ELRP.

The applicable international instruments in Kenya include:

- a. International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD);
- b. Convention on the Rights of the Child, 1990, (CRC);
- c. Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 (ICRMW);
- d. Convention on the Rights of Persons with Disabilities (CRPD)
- e. Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW).

### **3.2.4 Instruments of the International Labor Organization (ILO):**

- i. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
- ii. The Right to Organize and Collective Bargaining (ILO Convention 98); Forced Labor (ILO Convention 29);
- iii. The Abolition of Forced Labor (ILO Convention 105);
- iv. Minimum Age (of Employment) (ILO Convention 138); and
- v. Discrimination (Employment and Occupation) (ILO Convention 111).

## **3.3 International Legal Context**

Applicable international instruments in Kenya include:

### **3.3.1 International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD);**

Key to the provisions of the convention is that no state, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.

### **3.3.2 Convention on the Rights of the Child, 1990, (CRC);**

The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the CRC is inherent to the human dignity and harmonious development of every child.

### **3.3.3 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 (ICRMW)**

The Convention is a comprehensive international treaty focusing on the protection of the rights of migrant workers and members of their families.

### **3.3.4 Convention on the Rights of Persons with Disabilities; (CRPD)**

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.

### **3.3.5 Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW).**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international legal instrument that requires countries to eliminate discrimination against women and girls in all areas and promotes women's and girls' equal rights.

## **3.4 International Labor Organizations' conventions**

### **3.4.1 Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)**

Establishes the right of all workers and employers to form and join organizations of their own choosing without prior authorization and lays down a series of guarantees for the free functioning of organizations without interference by the public authorities. In December 1997, 121 countries had ratified this convention.

### **3.4.2 Right to Organize and Collective Bargaining Convention, 1949 (No. 98)**

Provides for protection against anti-union discrimination, for protection of workers' and employers' organizations against acts of interference by each other, and for measures to promote collective bargaining. In December 1997, 137 countries ratified this convention.

### **3.4.3 Forced Labour Convention, 1930 (No. 29)**

Requires the suppression of forced or compulsory labour in all its forms. Certain exceptions are permitted, such as military service, convict labour properly supervised, emergencies such as wars, fires, earthquakes, etc. In December 1997, 145 countries ratified this convention.

### **3.4.4 Abolition of Forced Labour Convention, 1957 (No. 105)**

Prohibits the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political or ideological views, workforce mobilization, labour discipline, punishment for participation in strikes, or discrimination. In December 1997, 130 countries ratified this convention.

### **3.4.5 Discrimination (Employment and Occupation) Convention, 1958 (No. 111): -**

Calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, color, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment. In December 1997, 129 countries ratified this convention.

### **3.4.6 Equal Remuneration Convention, 1951 (No. 100)**

Calls for equal pay for men and women for work of equal value. In December 1997, 135 countries ratified this convention.

#### **3.4.7 Minimum Age Convention, 1973 (No. 138)**

Aims at the abolition of child labour, stipulating that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling, and in any case not less than 15 years (14 for developing countries). In December 1997, 59 countries ratified this convention.

#### **3.4.8 Worst Forms of Child Labour Convention (1999) (No. 182)**

Calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.

### **3.5 African Instruments**

#### **3.5.1 African [Banjul] Charter on Human and Peoples' Rights**

The African Charter on Human and Peoples' Rights (also known as the Banjul Charter) is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the African continent.

#### **3.5.2 African Charter on the Rights and Welfare of the Child**

It recognizes the child's unique and privileged place in African society and that African children need protection and special care. It also acknowledges that children are entitled to the enjoyment of freedom of expression, association, peaceful assembly, thought, religion, and conscience.

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

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### 4.1 Introduction

This section sets out the *key aspects* of the national labor legislation with regards to occupational health and safety, and how national legislation applies to the different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2.

### 4.2 Occupational Health and Safety

The Occupational Safety and Health (OSH) Act, no 15 of 2007 governs workplace safety and health. 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. These concerns would likely remain the same if there’s only one individual likely to be affected; and thus, the standards set under the Act are largely focused upon the environmental risks to people in the workplace.

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) 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.

The Work Injury Benefits Act (WIBA) also addresses workplace health and safety and has been amended several times. It provides compensation to employees for work-related injuries and diseases contracted in the course of their employment. The Act provides for the compensation of ‘injured’ employees as well as their dependents, who may be adversely affected by the work injuries. Part III (on the Right to Compensation) addresses the entitlements and guarantees afforded in respect of compensation.

The STATCOM Project implementation processes will adhere to the relevant OHS legislation requirements in Kenya, including the relevant requirements of interested parties that have been identified in the ESMP and SEP. A check for legal compliance shall be undertaken to ensure that this project is compliant with the legal and other requirements, including:

- i. The National Occupational Safety and Health Policy, 2012
- ii. Occupational Safety and Health Act 2007 and sub regulations under the repealed Factories and other places of work Act including:
  - Fire risk reduction rules
  - Health and Safety committee rules
  - First Aid rules
  - Medical examination rules
- iii. Work Injury Benefits Act, 2007
- iv. Public health Act
- v. HIV/AIDS Prevention and Control Act, 2006
- vi. World Bank Environmental and Social Framework
- vii. WBG EHS general and power transmission/ distribution guidelines

- viii. COVID-19 prevention guidelines.

This LMP will also refer to applicable international conventions, and directives for addressing health and safety issues. These include:

- i. ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ii. ILO Occupational Health Services Convention, 1985 (No. 161)
- iii. ILO Safety and Health in Construction Convention, 1988 (No. 167)
- iv. WHO International Health Regulations, 2005
- v. WHO Emergency Response Framework, 2017
- vi. EU OSH Framework Directive (Directive 89/391)

Table 4 below provides a summary of the key OHS related regulations in Kenya and their relevance to this project:

Table 1: Analysis of applicable regulatory frameworks

#	Legislation	Provision	Relevance/Measures
1.	Public Health Act (Cap 242) revised 2012	Part III of the Public Health Act provides for the protection of human health through prevention and guarding against introduction of infectious diseases into Kenya from outside, to promote public health and prevention, limitation, or suppression of infectious, communicable, or preventable disease within Kenya. The Public Health - Prevention, Control and Suppression of Covid-19 Rules, 2020 provide additional regulatory requirements to this part.	The project activities may expose the workers to diseases, such as COVID-19 and HIV/AIDS. The plan will develop protocols to educate the staff on risks of infection and control measures. It will also make provisions for support for workers who get infected while on duty.
2.	Work Injury Benefits Act, 2007	This Act provides for compensation to employees for work related injuries and diseases contracted in the course of their employment and for connected purposes	This plan shall comply with part II of this Act with regard to obligations of the employer including compensation for temporary, total, or partial disablement, treatment as well as provision of first Aid Services to workers.
3.	Occupational Safety and Health Act, 2007	This is an Act of Parliament to provide for the safety, health and welfare of all workers and all persons lawfully present at workplaces. It applies to all workplaces where any person is at work, whether temporarily or permanently	All safety and health measures will be put in place to ensure workers are not exposed to safety and health risks during both project planning, construction, operational and decommissioning phases.
4.	HIV/AIDS Prevention and Control Act, 2006	Section 11 requires HIV and AIDS education in workplaces: specifically, provision of basic information and instruction on HIV/AIDS prevention and control.	The plan will create awareness to the employees on issues related to HIV/AIDS. It will produce posters/flyers to be shared with all employees and posted at workplaces.
5.	Gender-based violence and SEA	<ul style="list-style-type: none"> <li>-Abuse by workers, normalization of GBV stigma may lead to non-reporting, poverty forces women/girls to engage in transactional sex.</li> <li>-There is lack of access to services to address SEA, stigma, corruption</li> <li>-Several acts exist that provide protection against GBV/SEA including: <ul style="list-style-type: none"> <li>-Sexual Offences Act, 2006</li> <li>-Penal Code</li> <li>-HIV/AIDS Prevention and Control Act 2000</li> <li>-Protection Against Domestic Violence Act, 2015</li> <li>-Prohibition of Genital Mutilation Act, 2011</li> <li>-National Gender and Equality Act, 2011</li> </ul> </li> </ul>	<p>The project activities may expose workers to sexual harassment at the workplace and other forms of GBV. The PIT will ensure that:</p> <ul style="list-style-type: none"> <li>-All workers sign the CoC</li> <li>-All workers are trained on GBV/SEA</li> <li>-All workers are informed about the existence of a GRM.</li> </ul>



#	Legislation	Provision	Relevance/Measures
6.	Grievance Redress Mechanism	Issues to do with grievances are addressed in various legal documents including: -Employment Act in Part XII -Employment and Labour Relations Court Act -Labour Relations Act	<ul style="list-style-type: none"> <li>• The project will establish a dedicated workplace GRM that will address all matters related to the project.</li> <li>• Information on the GRM will be part of the induction process. <ul style="list-style-type: none"> <li>- The GRM will address issues in an efficient, timely manner without retaliation.</li> <li>- Project contractors will receive necessary instructions for the grievance redress management procedures.</li> </ul> </li> </ul>

### 4.3 Protection against COVID-19

Protection against possible risks as provided for in Section 6 (2) of the OSH Act, 2007 in view of COVID-19 related risk will be managed through several means. These will include:

- i. Provision and maintenance of procedures of work that are safe and without risks to health (including social distancing and access to handwashing facilities);
- ii. Arrangements for ensuring safety and absence of risks to COVID-19 in connection with the use, handling, storage and transportation of project materials.
- iii. Provision of such information, instructions, training and supervision as is necessary on COVID-19 to ensure the safety and health at work of every person engaged in project activities.
- iv. Informing all persons employed of: (a) any risks from new technologies, (b) imminent danger; and (c) appropriate recourse measures.
- v. Ensuring that every person engaged in project activities participates in the application and review of safety and health measures.
- vi. Ensuring that all workers have adequate and updated information on COVID-19.
- vii. Establishing measures and a referral pathway if any worker is infected with COVID-19 including establishing linkages with the Ministry of Health (MoH)

## **5 RESPONSIBLE STAFF**

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### **5.1 Introduction**

This section identifies the functions and/or individuals within the project responsible for (as relevant):

- Engagement and management of project workers
- Engagement and management of contractors/subcontractors
- Occupational Health and Safety (OHS)
- Training of workers
- Addressing worker grievances

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

#### **5.1.1 Project Administrative framework**

The STATCOM project within the Suswa 500kV HVDC convertor station and will be financed by World Bank Group. The Republic of Kenya will be the Borrower, and the Ministry of Energy and Petroleum (MoEP) will be the Executing Agency. KETRACO will serve as the implementing agency. Through a bidding process, KETRACO shall identify a suitable third party (s) to carry out the project construction works. The discussion below corresponds to the roles and functions to be played by KETRACO and its Third parties, i.e., contractors/ sub-contractors.

In carrying out this mandate, the Company is expected to develop a new and robust grid system to:

#### **5.1.2 KETRACO Project Implementation Team**

KETRACO has established a dedicated Project Implementation Team (PIT) comprising approximately 15 members (direct workers). The composition of this team will be drawn from various departments within KETRACO. They are responsible for oversight and supervision of the third party (s) during the project's life cycle. KETRACO will at all times remain responsible for the overall performance of all management plans including LMP, SEP and ESMP.

#### ***Roles and Responsibilities of KETRACO Environmental and Social Safeguards Units***

The Environmental and Social (E&S) division of KETRACO will monitor compliance of the project to applicable environmental and social standards. The unit will be responsible for:

- Timely preparation of the ESIA and ESMPs as appropriate for review and clearance by the Bank.
- Prior review and coordination for clearance of project ESIA and ESMPs by World Bank and NEMA.
- Monitoring of ESMP implementation, including monitoring of mitigation measures, and monitoring of contractors' environmental and social performance.
- Training of workers under the primary suppliers and third-party contractors.
- Preparation of quarterly reports summarizing monitoring results, to be included in the Project's reports.
- Monthly Reporting to World Bank and NEMA
- Providing E&S and OHS monitoring oversight.
- Ensuring third party and primary suppliers' compliance with the World Bank's Environmental and Social Standards.
- Ensuring availability of adequate E&S resources to supervise and enforce compliance.
- Managing the Grievance Redress Mechanism and Stakeholder Engagement Plan.

- Reviewing the management plans (especially the Labor Management Procedures)
- Ensuring adequate and meaningful consultation with all identified stakeholders.
- Monitoring project contractors and workers to ensure their activities are included in the LMP and the applicable procurement documents.
- Monitoring the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
- Monitoring the implementation of the Worker Code of Conduct.

The KETRACO safety unit has developed tools and handbooks to guide contractors in safe work management. The safety unit's role will be to carry out screening and background checks prior to the appointment of contractors to check previous safety records and performance. The safety unit will also support the E&S unit to carry out contractor inductions before commencement in relation to;

- Community health and safety to address social pathologies in communities affected by the project through promoting education and awareness programs for contractors.
- Practical construction measures e.g., batching, using fire extinguishers etc.
- Cultural sensitivity issues address contractor behavior in relation to community resources and assets.
- GRM for project workers is implemented and that project workers are informed.

The KETRACO E&S and Health and Safety (H&S) divisions are well trained and capable of ensuring monitoring of the project. KETRACO has the capacity to monitor implementation of the Environmental and Social Management Plan (ESMP) and Environmental and Social Monitoring Plan (ESMoP) developed for the project.

### **5.1.3 Third Parties: Contractors/ sub-contractors**

Contractors and sub-contractors (or "Third parties") will be responsible for managing and implementing employment policies, guidelines, and procedures, including equal opportunity employment within their respective organizations. Their roles will be to ensure continued compliance with Government of Kenya (GoK) labour laws with respect to recruitment, management, and termination of contracted workers. In general, the key responsibilities include the management of:

- i. Industrial relations
- ii. Workplace grievance program
- iii. Working hours' expectations
- iv. Remuneration and payroll
- v. Contractor Human Resources management
- vi. Workforce mobilization and demobilization

In relation to E& S and OHS requirements during construction and decommissioning phases, contractors, subcontractors ("Third parties"), will be expected to develop their own c-ESMP which identifies its specific obligations and activities and correlates these with the work schedule. This should be approved by the KETRACO safeguards and H&S divisions.

The Third parties will be responsible for:

- Providing the workers with documented information that is clear and understandable, regarding their rights under national labour and employment law and any applicable collective agreements,

including their rights related to hours of work, wages, overtime, compensation, and benefits upon beginning the working relationship and when any material changes occur.

- Employing qualified officers responsible for implementation of social/environmental and OHS requirements. This person will maintain regular contact with KETRACO's environment, social and Health and Safety focal points.
- Establishing and appointing an Environmental and Social (E&S) team prior to approval of the contract. This E&S and OHS team (s) will be trained on implementation of the contractors ESMP and ESMOP.
- Training the respective E&S and OHS committee(s) on the requirements of this LMP. The trained E&S team will be responsible for ensuring full implementation of the developed contractors' management plans.
- Receiving, documenting, and resolving workers' grievances in line with the developed GRM.
- Developing a register for all their contracted workers. This register should contain data such as: name, age, sex, location from, hours worked, wages, payments (including overtime payments) made, and any deductions made from their wages.
- Ensuring the protection of all contracted workers' rights as envisaged in the national legislation.
- Ensuring that all contracted workers employed at the work sites are legally registered to work within Kenya (if applicable).
- Establishing a coherent and integrated grievance mechanism for all workers engaged in the project.
- Ensuring that accommodation services are provided to workers, the contractor will put in place and implement policies on the quality and management of the accommodation and provision of basic services. The accommodation services will be provided in a manner consistent with the principles of non-discrimination and equal opportunity. Workers' accommodation arrangements should not restrict workers' freedom of movement or of association.

## 6 POLICIES AND PROCEDURES

### 6.1 Introduction

This section sets out information on OHS, reporting and monitoring and other general project policies. Where relevant, it identifies applicable national legislation. Since safety risks have been identified as part of Section 2, this section outlines how these will be addressed.

### 6.2 Approach

- The Project Implementation team (direct workers) overseeing the implementation of the projects will assess and address the identified risks in section 2, by developing appropriate recruitment guidelines, procedures and OHS mitigation measures which will be annexed to the bidding documents.
- The Third Party in turn will adopt and develop corresponding policies and procedures and follow the requirements of these management plans including this LMP document.
- The relevant provisions of the Employment Act 2007, Occupational Safety and Health Act, No. 15 of 2007, and the relevant clauses in ESS2 and ESS4 will be adopted and incorporated into the development and implementation of the contractor's policies.
- Table 5 presents a summary of the identified risks and proposed mitigation measures as discussed in Section 2-Assessment of key potential Labor risks.

*Table 2 : Potential labor risks and appropriate mitigation measures*

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
<b>ESS2: Labor and working conditions</b>		
1. Terms and conditions of employment	The Employment Act 2007 stipulates that remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory regarding race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language, or birth.	<p>The basic conditions of employees will be observed to avoid unnecessary conflicts during the construction work.</p> <ul style="list-style-type: none"> <li>• The Contractor shall pay contracted workers the entire amount of the wages earned by or payable to them. Payment of such wages should be made at the end of a working day, week, or month (depending on the contractual agreement prior agreed upon) at or near the place of work. The Contractor shall also ensure that all statutory deductions are submitted without delay to appropriate government agencies e.g. Kenya Revenue Authority, NSSF, NHIF, among others.</li> <li>• No one under the age of 18 will be employed. All persons seeking employment (contractor, subcontractor) should be required to provide a national identity card.</li> </ul>

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
<b>ESS2: Labor and working conditions</b>		
	<p>Violation of workers' rights: There is <b>low likelihood</b> of workers (contracted or direct workers) being forced to work long hours, and not being adequately compensated.</p>	<ul style="list-style-type: none"> <li>• The proponent and contractor shall not employ forced labour, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty.</li> <li>• Project workers (direct and contracted workers) will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.</li> <li>• All employment will be voluntary. To mitigate the risk of workers being forced to work overtime, the workers will be provided with accessible means to raise workplace concerns. This will be done through the project grievance mechanism (GM) as well as the freedom to associate and form / join collective bargaining bodies.</li> </ul>
<p>2. Occupational health and safety related risks</p>	<p>Contracted and direct workers may be subjected to unsafe conditions, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. lack of appropriate personal protective equipment (PPE) for the various job types.</li> <li>2. appropriate toilet facilities at the various work sites and accommodation camps, separated for males and females.</li> <li>3. Lack of adequate training to safely handle the work.</li> <li>4. Electrical hazards due to the presence of live lines within the Substation.</li> <li>5. Improper use of construction machinery.</li> <li>6. Working at heights during steel</li> </ol>	<p>The contractor will be required to develop and implement an OHS policy and implementation plan, including but not limited to: Emergency prevention and preparedness procedures, documentation related to reporting occupational accidents, near misses, training plans and associated training records, workers and visitors' induction procedures and records etc.</p> <p>The following mitigation measures will be implemented to address the identified OHS risks:</p> <ul style="list-style-type: none"> <li>• Training of project workers and maintenance of training records.</li> <li>• Documentation and reporting of occupational accidents, diseases, and incidents.</li> <li>• The contractor(s) will be compelled to safeguard the interests of women, including gender parity at the workspace, provide appropriate sanitation facilities at the workplace and appropriate PPE for women and persons with disability, as needed.</li> <li>• Set up a health and safety committee and periodic site inspections, training, and annual safety audits.</li> <li>• Prepare comprehensive risk assessments for the specific jobs at the project site.</li> <li>• Conduct daily toolbox tasks prior to commencement of work. The topics will be specific to the day's task with a special emphasis on handling the prevailing electrical hazards within the project's 'site. Records will be maintained including attendances to facilitate monitoring.</li> <li>• Provide appropriate PPEs to workers and visitors to the proposed route.</li> </ul>

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
<b>ESS2: Labor and working conditions</b>		
	<p>erection works</p> <p>7. Accidents and incidents at the work sites,</p> <p>8. Handling of hazardous substances, ergonomic related injuries arising from repetitive works/ motion handling</p> <p>The significance of these risks is <b>High</b> if not adequately mitigated.</p>	<ul style="list-style-type: none"> <li>• Adhere to the provisions of the occupational Health and Safety Act of 2007.</li> <li>• Have a qualified EHS Officer; first aider/ medic on site.</li> <li>• Ensure visitor and worker inductions are carried out as the project will be carried out within a live substation.</li> <li>• The contractor to ensure daily work permits are obtained from KPLC as the works will be carried out within the live substations and lines.</li> </ul>
Nondiscrimination and equal opportunity	There is a <b>low</b> likelihood of discrimination based on gender, disability, ethnicity, sexual orientation/identity, or any other personal characteristic unrelated to inherent job requirements.	<p>The mitigation measures to be implemented will comprise the following:</p> <ol style="list-style-type: none"> <li>1. The contractor will develop and implement the Code of Conduct (CoC) in line with KETRACO's existing CoC. The Code of Conduct will be signed by all contracted workers. This is aimed at preventing and addressing harassment, intimidation and/or exploitation.</li> <li>2. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.</li> <li>3. Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements but on qualifications based on the developed and advertised job description requirements.</li> </ol>
Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7	Vulnerable groups of people as well as communities who meet the requirements of the World Bank ESS7 may be subject to increased risk of exclusion from employment opportunities under the project. Such vulnerable and marginalized groups include, women, female headed households, persons abled differently while those communities who meet requirements of the World Bank ESS.	The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination / exclusion of vulnerable individuals, Maasai VMGs and members of minority clans/families. For the Kimuka Substation and Suswa STATCOM which are located in Kajiado and Narok Counties, both of which are home to Maasai VMGs, it will be a requirement for the respective contractors to source all unskilled labor and to the extent possible, semi-skilled labor, from the respective local communities.

Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
<b>ESS2: Labor and working conditions</b>		
<b>ESS4: Community Health and Safety</b>		
GBV/SEA/SH risks	There is a <b>moderate</b> risk of GBV including sexual exploitation and abuse (SEA) and sexual harassment (SH) resulting from the influx of contracted workers.	<ul style="list-style-type: none"> <li>➤ Contractors to develop a code of conduct and ensure it's signed by all workers with physical presence on site as well as within the project area. The code of conduct will address worker and community interactions considering risks of GBV-SEA and sexual harassment in workplaces, HIV/AIDs and other STDs resulting from population/labour influx.</li> <li>➤ In addition, induction of all immigrant workers to abide by the code of conduct and respect the community cultural norms and values will be done.</li> <li>➤ Establish and ensure early uptake of a Grievance Redress mechanism for the local community and Workers.</li> </ul> <p>Undertake stakeholder engagement / awareness to prepare local communities psychologically. Awareness should include efforts toward instilling attitudes of tolerance, support and understanding of labour immigrants by the local communities. Discuss issues, risks and opportunities linked to immigration; Understand the concerns of local communities; Raise awareness of risk and opportunities; and Identify solutions to issues relating to in-migration.</p>
2. Insecurity	There is potential risk of insecurity for direct workers when they travel out of their workstations to the project site to carry out capacity building and M&E. This risk is categorized as <b>Low</b> .	<p>This risk will be mitigated by ensuring that:</p> <ul style="list-style-type: none"> <li>-The safety of the direct workers will be assured through restriction of movement of project vehicles (from 6am to 6pm) and residence in secure hotels while they are on project-related assignments</li> <li>-Although the project will not hire Security officers to protect the direct staff, the PIT will work closely with the Ministry of Interior staff who are stationed at the within project sites for Suswa and STATCOM and around Kimuka town for Kimuka substation.</li> </ul>
3. Spread of communicable diseases in communities, including HIV/AIDS and COVID-19	The spread of HIV and other communicable diseases including COVID-19 infections. This risk is categorized as <b>moderate</b> .	<ul style="list-style-type: none"> <li>➤ Develop appropriate training, awareness content and implement awareness sessions for communities and workers on HIV/AIDs and other STDs, as well as GBV-SEA and sexual harassment at workplaces.</li> <li>➤ Support HIV/AIDS and STD awareness and education.</li> <li>➤ Ensure an adequate and accessible provision of condoms to workers both male and female.</li> <li>➤ Providing health services (treatment through standard case management in on-site or community health clinic).</li> <li>➤ Promoting collaboration with local authorities to enhance access of workers' families and the community to public health services.</li> <li>➤ Liaise with relevant health agencies both at national and County level (Kilifi and Kajiado Counties) (Ministry of Health, National AIDS Control Council (NACC)), including NGOS (AHF Kenya), and CBOs (youth, men, and women groups) on awareness creation.</li> <li>➤ Periodic sensitization forums for workers on ethics, morals; general good behavior and the need for the project to co-exist with the neighbours.</li> <li>➤ Adhere to and implement the HIV and AIDS Prevention and Control Act, 2006 and the Sexual</li> </ul>



Risk/Impact	Analysis (Magnitude, Extent, Timing, Likelihood, Significance)	Risk Mitigation Measures
<b>ESS2: Labor and working conditions</b>		
		<p>Offences Act, 2006 and its amendment 2012.</p> <ul style="list-style-type: none"> <li>➤ Contractors to develop a code of conduct and ensure its signed by all workers with physical presence on site as well as within the project area. The code of conduct will address worker and community interactions considering risks of GBV-SEA and sexual harassment in workplaces, HIV/AIDs and other STDs resulting from population/labour influx.</li> <li>➤ Adopt and implement a Grievances Redress Mechanism to receive and address complaints from the host community. On Covid-19 management and prevention</li> <li>➤ Ensure contracted workers are vaccinated against Covid-19, as well as provision of handwashing facilities and masks in the event of reported cases at the worksites.</li> </ul>

## 7 TERMS AND CONDITIONS

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This section sets out details regarding:

- Specific wages, hours and other provisions that apply to the project.
- Maximum number of hours that can be worked on the project.
- Any collective agreements that apply to the project. When relevant, provide a list of agreements and describe key features and provisions.
- Other specific terms and conditions

With respect to project workers within the scope of this LMP, KETRACO, third party (s) and primary suppliers, will in adherence to this LMP and human resource policies, procedures and guidelines ensure that:

- ***There will be no employment of anyone under the age of 18.*** All workers seeking employment (direct, contracted, and primary supply workers) will be required to provide a national identity card for age verification.
- The third party will adopt and implement the LMP to enhance the creation of employment opportunities, training, and skills of workers. Specific enhancement measures include:
  - A procedure for a fair, consistent, and transparent recruitment of both semi-skilled and unskilled locals including men and women above 18 years of age. Specifically, where feasible, women should comprise 30% of the project workforce.
  - Locals within the settlements in the project area are given priority for unskilled jobs such as vegetation clearance, cleaning, etc.
  - Maximizing capacity enhancement and transfer of knowledge and skills to local employees, through on-the-job training to the extent possible.
- The third party ensures non-discrimination and equal opportunity during selection of contracted project workers. This to be attained through.
  - *Eligibility:* All locals seeking employment are required to be 18 years of age and provide a National Identity (ID) card
  - *Sourcing potential employees:* Recruitment of workers for the project be done via adverts through the offices of Locational chief and Sub-locational Chiefs, to enhance access to all eligible community members.
- KETRACO ensures that the third party takes measures to prevent and address harassment, intimidation, and/or exploitation, especially in regard to women.
- KETRACO and third parties will comply with the Labour Relations Act, 2007 which recognizes workers' rights to form and to join workers' unions of their choosing without interference, and to bargain collectively.
- Where the third party is a party to a collective bargaining agreement with a workers' union, such agreement will be respected. Where such agreements do not exist, or do not address working conditions and terms of employment, KETRACO will provide reasonable working conditions and terms of employment to be adopted by the third party.
- Construction activities are undertaken during the day (and not at night) between 0800hrs and 1800hrs. No work shall be undertaken on Sundays.
- The Contractor and third-party suppliers shall pay workers the entire amount of the wages earned by or payable to them. Payment of such wages should be made at the end of a working day, week, or month (depending on the contractual agreement prior agreed upon) at or near the place of work. The Contractor shall also ensure that all statutory deductions are submitted without delay to appropriate government agencies e.g., Kenya Revenue Authority, NSSF, NHIF, among others.

- KETRACO, contractors/sub-contractors and third-party suppliers, will provide a safe and healthy work environment to their respective workers, considering the inherent risks and hazards identified in the STATCOM project site.
- With respect to contracted workers KETRACO will take commercially reasonable efforts to ascertain that the third parties who engage these workers are reputable and legitimate enterprises and have an appropriate internal management system that will allow them to operate in a manner consistent with the requirements of this LMP.

## 8 GRIEVANCE MECHANISM FOR WORKER RELATED ISSUES

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### a) Introduction

KETRACO will adopt and strengthen the grievance redress mechanism (GRM). The GRM, which comprises a set of arrangements, will enable project workers to raise grievances and seek redress when they perceive a negative impact arising from the project activities including but not limited to occupational health and safety, community health, sexual exploitation, and abuse (SEA) and sexual harassment (SH). It is a keyway to mitigate, manage, and resolve potential or realized negative impacts, as well as fulfill obligations under international laws and contribute to positive relations with all stakeholders.

### b) GRM Objectives

The GRM is intended to:

- To receive, log, analyze and address complaints and grievances and enhance conflict resolution arising during project implementation, while keeping complainants informed of the progress being made to resolve the grievances.
- Ensure transparency and accountability throughout the implementation of the project amongst the relevant stakeholders including project beneficiaries.
- Resolve any emerging ESHS and labour grievances in the project.
- To promote relations between the project implementers, contractors, community, and workers.
- Provide avenue for vulnerable groups and survivors of SEA/SH to have equal access to grievance redress, while ensuring that SEA/SH grievance response mechanisms are survivor centered and focusing on the empowerment of survivors by creating a supportive environment for healing.
- In implementing the SEA/SH prevention and response measures, the following principles shall form the basic guideline: (1) ensure the safety of survivors, including preventing and mitigating further violence; (2) protect the confidentiality of survivors, including their right for information about them to be shared only with their informed consent and their right to choose whether and to whom to share their experiences; (3) demonstrate respect for survivors' needs and wishes and their right to make their own choices, including those that service providers may find hard to understand or disagree with; and (4) practice nondiscrimination, ensuring that survivors, in all their diversity, are able to access and receive appropriate services and meaningful support. Survivors will be supported to access necessary services of their choice including access to support from accredited health facilities, pertinent legal services, counselling services, safe houses, among others. Survivors will be sensitized and made aware of the locations of these supportive pathways to enable them use these at their convenience.

### c) GRM principles

The effectiveness of these GRM's should be founded on the following basic values and principles:

- **Fairness:** All grievances/complaints must be treated fairly in terms of how they are received, processed, and resolved- the procedures should be widely perceived as unbiased.
- **Accessibility:** Members of the public should be made aware of the GRM's and the process of handling complaints/grievances. This shall be done through website, service charter, posters, and public outreach activities to the communities with the projects' AoL.
- **Responsiveness:** The system should be responsive to the needs of stakeholders/the public including those with special needs, such as the disabled, illiterate persons and culturally disadvantaged groups.
- **Effectiveness:** The grievance /complaints handling system must be able to give real solutions for the complaints lodged.
- **Efficiency:** Grievances should be handled in an efficient manner that ensures stakeholders are not discouraged or fatigued by long drawn-out processes. Grievances should be resolved immediately or as soon as is practically possible. There should be clear guidelines with timed processes dealing with receipt of the complaint, initial assessment, allocation of responsibility to deal with it, investigation, resolution and review and monitoring of the system.
- **Confidentiality:** Personal information related to complaints should be kept confidential. Transparency & Accountability: The Company should exercise openness in handling complaints that is, there should be free sharing and access to information by all parties involved. Also, accountabilities for complaint handling should be clearly established.
- **Simplicity:** The complaints handling procedure should be simple and straight forward.

- **Continuous Improvement:** Complaints are a source of improvement for the Company.

#### **d) GRM Awareness**

The GRM will be widely publicized among the various cadres of Project workers to ensure that each worker is aware of how to access the grievance mechanism, the grievance redress principles, process and timeframes for resolving workers grievances

#### **e) Implementing Steps**

For labor-related grievances it will highly be recommended to the community and workers to launch their complaint for redress first with the contractor through the contractors designated grievance management focal point for coherent flow of grievances received. However, this will not deter complainants from directly launching their complaints to KETRACO under circumstances of fear, history of non-action from the contractor's team, among others.

In addition to the project's GRM, the workers will also be at liberty to report grievances to the World Bank's Grievance Redress Service (GRS).

There will be two levels of grievance redress as shown below: -

##### **a) Contractor level GRM Procedure**

The process of implementing the GRM involves the following steps:

1. The complaint submitted to contractor's project coordinator or contractor's designated grievance management focal point:
  - By email
  - By cellphone
  - By letter
  - Face-to-face person
  - Anonymously
2. The contractor's designated grievance management focal point will register the complaint and acknowledge receipt. An anonymous complaint should be investigated and handled in a confidential manner.
3. The contractor's Project Implementation Team (PIT) will review the complaints and decide whether they will be processed under their jurisdiction.
4. The complainant will be notified of the case status.
5. The contractors PIT will request additional information if required.
6. The complaint(s) will be assessed, and a response will be formulated.
7. The proposed solution will be communicated to the complainant within 15 working days from the receipt of the complaint.
8. If the solution is acceptable to the complainant, then contractors' PIT will implement the solution(s) and settle the issue(s).
9. If the solution is not acceptable to the complainant, then the contractors PIT will escalate raised the issue to KETRACO's PIT through the KETRACO's project manager for settlement and communication of status with 10 working days.

##### **b) KETRACO Level GRM procedure**

The second level grievance redress will be the KETRACO level. KETRACO will seek to resolve complaints through its internal process before informing the complainant to seek judicial resolution if they are still not satisfied. KETRACO may also involve Alternative Dispute Resolution approaches by involving other national government or county governments. KETRACO's internal project grievance redress process will include redress by the PIT, or mediation process by the Company Secretary where appropriate.

At the KETRACO level, grievances will be received through email, letters, verbal, suggestion box, Wayleave Officer, or the PIT. Once grievances are received, they will be logged into the grievance log in the office through either the Socio Safeguards Officer or the Customer Service Officer depending on the nature of the complaint. Some grievances may be resolved immediately, especially those that need KETRACO's project staff to provide information to the complainant. If not, they will be escalated to KETRACO's PIT, Grievance Redress Procedure

above. KETRACO will acknowledge receipt of complaints within two weeks and will strive to resolve each complaint within three months (90 days) as per the service charter.

The PIT will hold a meeting with the aggrieved party and possibly resolve the grievance. However, if the PIT is unable to resolve it, a further meeting is held with the complainant either to seek a solution or agree on mediation preferred, depending on the nature of the grievance. If still unresolved, the PIT will either escalate the grievance to the Project Manager. The matter may further be forwarded to the Company Secretary for a legal opinion. If after 90 days all these avenues are exhausted, relevant mediations may be sought. This may be the intervention of the Tribunal of Public Complaints or a court of law or any other mediation measure agreed upon.

See KETRACO’s approved GRM procedure: -

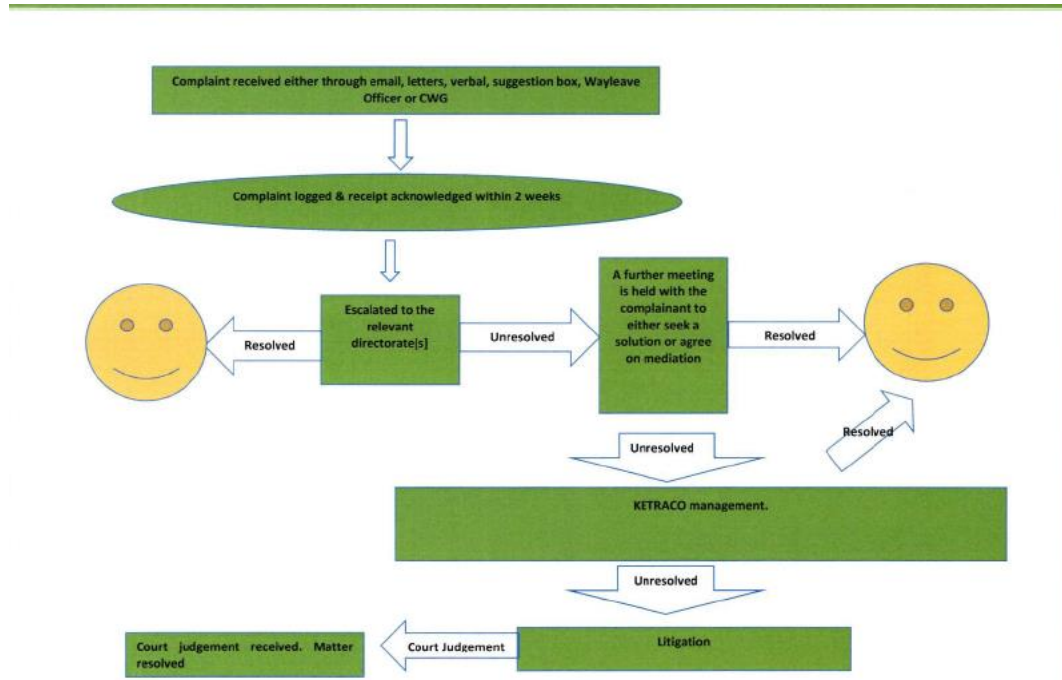


Figure 1: KETRACO's GRM procedure

## 9 CONTRACTOR MANAGEMENT

KETRACO, through the PIT, will ensure that contracted workers and third parties engaged are legitimate and reliable entities. This will be through the articulation of pertinent labor clauses in terms of reference and tender documents for contractors (including codes of conduct, coordination, monitoring reports, and grievance management mechanisms); and include provisions for non-compliance. As part of the quarterly ESMP monitoring, KETRACO shall check and report on the compliance status with their ESHS (including SEA/SH) contractual obligations.. This will be in compliance with ESS2, paragraph 31 which states that , *“The Borrower will make reasonable efforts to ascertain that third parties who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that will allow them to operate in accordance with the requirements of this ESS.”*

Guidance Note 31.1 for ESS 2 gives guidance of the level of due diligence required and the information to be obtained as part of the process to contract third parties who engage contracted Workers. This

information is crucial in ascertaining the legitimacy and reliability of the third party. This information includes but not limited to:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law. This will where possible reports from department of labor, DOSHS, National Construction Authority (NCA), the Directorate of Criminal Investigation (DCI) in form of certificate of good conduct, among other pertinent enforcement bodies.
- Business licenses, registrations, permits, and approvals.
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures.
- Identification of labor management, safety, and health personnel, their qualifications, and certifications.
- Workers' certifications/permits/training to perform required work for example height passes, fire training certificates, equipment, construction equipment handling certificates, among others.
- Records of safety and health violations, and responses.
- Accident and fatality records and notifications to authorities.
- Records of legally required worker benefits and proof of workers' enrollment in relevant 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 contracts with contractors and suppliers, showing inclusion of provisions.
- The contractual provisions that will be put in place relating to contractors for the management of labor issues, including occupational health and safety.
- The procedure for managing and monitoring the performance of contractors.

## **10 PRIMARY SUPPLY WORKERS**

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The following requirements concern the primary supply workers who will be engaged during the project's life cycle:

- Where there is a high risk of child labour or forced labour in the primary supply chain, KETRACO and the contractor will identify those risks. If child labour or forced labour cases are identified, KETRACO and the contractor will take appropriate steps to remedy them. They will monitor its primary supply chain on an ongoing basis in order to identify any significant changes in its supply chain and if new risks or incidents of child and/or forced labour are identified, the client and contractor will take appropriate steps to remedy them.
- Additionally, where there is a high risk of significant safety issues related to supply chain workers, the KETRACO and contractor will introduce procedures and mitigation measures to ensure that primary suppliers within the supply chain are taking steps to prevent or to correct life-threatening situations.
- The ability of KETRACO and the contractor to fully address the risks identified in this LMP will depend upon KETRACO's and contractor's level of management control or influence over its primary suppliers. Where remedy is not possible, KETRACO and contractor will shift the project's primary supply chain over time to suppliers that can demonstrate that they are complying with this LMP.

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