



LABOUR MANAGEMENT PROCEDURE (LMP)

GEF 7 PILLAR 2: CATALYZING FINANCE AND CAPACITY FOR THE BIODIVERSITY ECONOMY AROUND PROTECTED AREAS PROJECT (P170213)

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LIST OF ABBREVIATION

Abbreviations	Details
BEE	Black Economic Empowerment
DFFE	Department of Forestry, Fisheries and the Environment
ECPTA	Eastern Cape Parks and Tourism Agency
EKZNW	Ezemvelo KwaZulu-Natal Wildlife
ESCP	Environmental and Social Commitment Plan
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GEF	Global Environment Facility
IWPA	iSimangaliso Wetland Park Authority
KNP	Kruger National Park
LEDET	Limpopo Economic Development and Environment and Tourism
LMP	Labour Management Procedure
NBSAP	National Biodiversity Strategy and Action Plan
OHS	Occupational Health and Safety
PAs	Protected Areas
PMU	Project Management Unit
PPE	Personal Protective Equipment
SANParks	South African National Parks
SANBI	South African Biodiversity Institute
SMME	Small, Medium and Micro Enterprise

1. PROJECT INTRODUCTION AND BACKGROUND

South Africa sees its national parks and provincial reserves as important catalysts for socio-economic development. The vast system of protected areas (PAs) is managed by a range of national conservation agencies such as South African National Parks (SANParks) and the iSimangaliso Wetland Park Authority, provincial conservation agencies, including Eastern Cape Parks and Tourism Agency (ECPTA), (Limpopo Economic Development and Environment and Tourism) LEDET and Ezemvelo KwaZulu-Natal Wildlife (EKZNW), and private and communal structures. The South Africa's National Biodiversity Strategy and Action Plan (NBSAP) promotes the development of a Biodiversity Economy which is defined as "the businesses and economic activities that either directly depend on biodiversity for their core business or that contribute to conservation of biodiversity through their activities" including the Bioprospecting and Wildlife sub-sectors. Bioprospecting sub-sector (research on, or development or application of, indigenous biological/genetic resources for commercial or industrial exploitation) and the Wildlife sub-sector (live sales of indigenous wildlife; sale of game meat and products, and safari hunting). This includes access to and sharing of benefits with communities adjacent to national parks and provincial nature reserves seen as vital to the sustainability of the PA system.

South Africa, through the Department of Forestry, Fisheries and the Environment (DFFE) is currently implementing a Global Environment Facility (GEF) funded project on leveraging financial resources to increase investment in three target protected area (PA) landscapes in order to grow the biodiversity economy and benefits to local communities. The GEF Implementing Agency for this project is the World Bank and the project is executed by the DFFE through three Sub-Executing Agencies namely: South African National Parks (SANParks), South African National Biodiversity Institute (SANBI) and the iSimangaliso Wetland Park Authority (IWPA). The project is implemented in three Biodiversity Economy nodes namely (i) the Greater Addo to Amathole Node in the Eastern Cape Province, (ii) the Greater Kruger-Limpopo Node in Limpopo Province, and (iii) the Greater-iSimangaliso Node in KwaZulu-Natal Province.

2. COMPONENTS OF THE PROJECT

The project has three main components and the summary is provided below:

Component 1: Build biodiversity economy nodes for community stewardship and livelihoods

Subcomponent 1.1: Support multi-stakeholder coordination platforms to develop and/or strengthen a shared vision for biodiversity economy nodes on land use and economic development:

- Strengthen and/or coordinate actions around a shared vision
- Biodiversity Economy Node Master Plan
- Facilitate and align public and private investments

Subcomponent 1.2: **Provide financial and technical support to Small, Medium and Micro Enterprise (SMME) across each node:**

- Training on business planning and business expansion
- Mentorship programs
- Small grants for equipment and small infrastructure.

Subcomponent 1.3: **Strengthen governance capacity and ownership for equitable benefit sharing**

- Supporting equity ownership by communities in anchor investments
- Improving the governance capacity of communities
- Providing capacity building to strengthen leadership capacity of communities
- targeted effort to build women's leadership roles

Subcomponent 1.4: **Facilitate community stewardship to expand wildlife habitat**

- Facilitate the biodiversity stewardship process
- Facilitate discussions on potential economic activities post- declaration

Component 2: Grow the biodiversity economy nationally to enhance communities' stake in wildlife conservation

Subcomponent 2.1: Knowledge exchange across nodes and capturing learning on community stewardship and biodiversity economy and to share lessons learned from the three project nodes – between the nodes, at national level, and internationally through the Global Wildlife Program for replication and scale-up

- Learning exchange visits between nodes
- Production and dissemination of knowledge products
- Institutional capacity building for spatial planning

Component 3: Project management and monitoring

Subcomponent 3.1: Project management and monitoring to ensure cost-efficient, timely, and quality delivery of project activities and results, including coordination between the nodes, monitoring and evaluation (M&E) and project reporting

- Workshops, and operational costs to support the project's day-to-day implementation and management
- Procurement, financial management, environmental and social safeguards, and preparation of annual work plans and organization of audit reports

3. PURPOSE OF LABOR MANAGEMENT PROCEDURE

The World Bank Environmental and Social Standard (ESS) 2: Labour and Working Conditions promotes the implementation of a systematic approach to improve the management of risks and impacts related to labour and working conditions in projects. The Environmental and Social Management Framework (ESMF), prepared at the project's appraisal, set forward a key principle for labour engagement to "[e]nsure that the local communities are given preferred employment opportunities employment and provided with training (skilled) to provide future labour in the project e.g. operation and Maintenance." The ESMF included Labour Management Procedures (LMP) which detailed the outlined the commitment to labour management for activities with involved worker engagement. Labour management plans were expected to be prepared shortly following the project appraisal to define but due to delays, the project has not required worker engagement.

To adequately manage and mitigate related risks and impacts, this updated LMP sets out the project's approach to meeting South Africa's requirements as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specific objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4). This is a live document and will be updated as required, after regular review and in response to specific needs identified during the preparation and implementation of the project.

3.1. The key objectives of the ESS2:

- Promote safety and health at work.
- Promote the fair treatment, non-discrimination, and equal opportunity of project workers.
- Secure protection of project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate.
- Prevent the use of all forms of forced labour and child labour.
- Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

ESS2 is relevant to both the staff contracted to provide services directly under the project (training, planning, technical assistance etc.) and to businesses/entrepreneurs who will receive support. Minor construction activities are envisaged for the project, but these will be temporary, localized and with limited footprint and therefore does not entail a significant amount of labour. Local labour will be preferred, and no labour camps of influx of workers is anticipated. Businesses and entrepreneurs who qualify for support will be required to follow the provision in this LMP, as well as relevant environmental and social mitigation measures, specified in the ESMF. Node coordinators must ensure, as part of the screening, that labour rights and occupational health and safety are adhered to and verify that any workers engaged are aware of the relevant provisions of these procedures. The occupational health and safety measures will be in line with World Bank Group General Environment, Health and Safety Guidelines and national legislation. All work and consultant contracts will include Codes of Conduct related to Health and Safety, as well as non-tolerance for sexual harassment and gender-based violence (GBV).

3.2. The key objectives of the ESS4:

- To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle from both routine and nonroutine circumstances.
- To promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure, including dams.

- To avoid or minimize community exposure to project-related traffic and road safety risks, diseases and hazardous materials.
- To have in place effective measures to address emergency events.
- To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.

ESS4 is relevant due to potential impact on community health and safety. However, the project is not expected to cause any adverse safety and health impacts on the communities since the project is not funding any large civil works on the ground. To mitigate any potential risks, provision of adequate equipment, safety awareness by contractors and implementing agencies, signage, road flaggers, proper training for operators of heavy equipment will be undertaken. It is not expected that there will be an influx of workers into the sub-project areas. Any potential GBV risk or other potential impacts on communities will be captured in the corresponding instruments and bidding documents, including Codes of Conduct. At appraisal, the GBV risk was assessed to be low and no cases have been logged with the project since inception.

3.3. Types of project workers to be engaged in the GEF 7 Pillar 2 project

As per ESS2, project workers can be classified into the following four groups: direct workers, contracted workers, primary supply workers, and community labourers. For this project, direct workers and contracted workers are the most applicable, as at this stage, community labour engagement and primary supply workers are not expected to be engaged by for the project.

Table 1: project workers

No.	Type of worker	Definition	Applicability
1.	Direct Workers	People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project;	The project will be executed by the DFFE through three Sub-Executing Agencies namely: SANParks, SANBI and IWPA. A PMU has been established housed at the DFFE offices headed by a Project Manager and supported by Social and



No.	Type of worker	Definition	Applicability
			Environmental Safeguard Specialist. Furthermore, in all the 3 sub-executing Agencies, project team will be established to specifically work on this project.
2.	Contracted Workers	People employed or engaged through third parties to perform work related to core functions of the project, regardless of location. 'Third parties' may include contractors, subcontractors, brokers, agents or intermediaries	Contractors/consultants/service providers will be appointed during implementation of the project to assist in undertaking some of the project activities.
3.	Primary Supply Workers	People employed or engaged by the Borrower's primary suppliers. 'Primary suppliers' are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project	Potential relevance of requirements related to primary supply workers will be assessed based on procurement needs. However, it is not expected that the requirement will apply as there is no anticipated suppliers who will be engaged on an ongoing basis.
4.	Community Workers	People employed or engaged in providing community labour. Community workers will not be used for this Project	The project does not envisage engagement of any community workers.

4. OVERVIEW OF LABOUR LEGISLATION

The South African legislative framework and regulation provide protections for workers which is substantially equivalent to protections required in World Bank projects in ESS2- Labour and Working Conditions. Table 2 provides an overview of the equivalence.

Table 2: ESS2 and equivalence with South African law

COMPARATIVE ANALYSIS OF ESS2 AND NATIONAL LAWS			
ESS2 Provisions	South African Laws	Compatibility	Measures to address the gaps
Fundamental rights for workers	<i>Basic Conditions of Employment 1997 (as amended) and Labour Relations Act, 66 of 1995 and National Minimum Wage Act, Act 9 of 2018</i>	General provisions are consistent with the goals and provisions of ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p> <p>The Basic Conditions of Employment Act, No 75 of 1997 gives effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of as a member state of the International Labour Organisation.</p>
General procedures to protect workers	<i>Basic Conditions of Employment 1997 (as amended) and Labour Relations Act, 66 of 1995</i>	General provisions are consistent with the goals and provisions of ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p>
Prohibition of child labour	<i>Basic Conditions of Employment 1997 (as amended)</i>	General provisions are consistent with the goals and provisions of ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p> <p>Under the Act it is a criminal offence to employ a child younger than 15 years, except in the performing arts with a permit from the Department of Labour. Children aged 15 to 18 may not be employed to do work inappropriate for their age or work that place them at risk.</p> <p>To mitigate the risk of child labour the project minimum age for engagement is 18.</p>
Prohibition of forced labour	<i>Constitution of South Africa, 1997</i>	General provisions are consistent with the goals and provisions of ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p> <p>The South Africa's constitution states that no one may be subjected to slavery, servitude or forced labour. No person may cause, demand or impose forced labour on another person.</p>
Labour grievance mechanism	<i>Promotion of Equality and Prevention of</i>	General provisions are consistent with	<p>Under the Promotion of Equality Act it is the duty of the state to <i>Develop appropriate internal mechanisms to deal</i></p>



COMPARATIVE ANALYSIS OF ESS2 AND NATIONAL LAWS			
ESS2 Provisions	South African Laws	Compatibility	Measures to address the gaps
	<p><i>Unfair Discrimination Act, 4 of 2000</i></p> <p><i>Labour Relations Act, 66 of 1995</i></p>	the goals and provisions of ESS2	<p><i>with complaints of unfair discrimination, hate speech or harassment.</i></p> <p>The Labour Relation Act defines dismissal, and government provides referral forms which may be obtained from Department of Employment and Labour to submitted.</p> <p>To ensure access to project engaged workers, the implementing agency will affirm local procedures as part of contracting, consistent with ESS2. Workers may also grieve through the Project mechanism or use the national system.</p>
Freedom of collective association of workers	<p><i>Labour Relations Act 1995</i></p>	General provisions are consistent with the goals and provisions of ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p> <p>The Act regulates the fundamental rights conferred by section 27 of the Constitution, including the right to fair labour practices, to form and join trade unions and employer's organisations, to organise and bargain collectively, and to strike and lock out; to provide a framework for regulating the relationship between employees and their unions on the one hand, and employers and their organisations on the other hand.</p>
Adequate working conditions for direct project workers	<p><i>Basic Conditions of Employment 1997 (as amended) and Labour Relations Act, 66 of 1995 and National Minimum Wage Act, Act 9 of 2018</i></p>	Provisions overall consistent with those of ESS2, with some exception for some temporary workers	<p>Provisions include maximum work periods per day/week, overtime, leave and breaks.</p> <p>However, legal provisions do not explicitly protect persons contracted as consultants. The project will ensure that any consultant is subject to the same conditions as other project workers.</p>
Provisions related to workers' occupational health and safety	<p><i>Occupational Health and Safety Act 1993 and Compensation for Occupational Injuries and Diseases, Act 130 of 1993</i></p>	Provisions overall consistent with those of ESS2, with some exception for temporary workers	<p>OSHA requires provision for the health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety.</p> <p>COID provides for compensation for disablement caused by occupational</p>



COMPARATIVE ANALYSIS OF ESS2 AND NATIONAL LAWS			
ESS2 Provisions	South African Laws	Compatibility	Measures to address the gaps
			<p>injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases; and to provide for matters connected therewith.</p> <p>However, legal provisions do not explicitly protect persons contracted as consultants. The project will ensure that any consultant is subject to the same conditions as other project workers.</p>
Benefits for project workers	<i>Basic Conditions of Employment 1997 (as amended) and Labour Relations Act, 66 of 1995 and National Minimum Wage Act, Act 9 of 2018</i>	Provisions overall consistent with those of ESS2, with some exception for temporary workers	Legal provisions do not explicitly protect persons contracted as consultants. The project will ensure that any consultant is subject to the same conditions as other project workers.
Provisions to prevent employment discrimination	<i>Employment Equity Act 1998 and Employment Services Act 4 of 2014 and Skills Development Act 97 of 1998 subsections 22 - 24</i>	Provisions are consistent with ESS2	<p>There is no gap. The national norms and standards are consistent with ESS2.</p> <p>Employment Equity Act promotes equity in the workplace, ensures that all employees receive equal opportunities and that employees are treated fairly by their employers. The law protects from unfair treatment and any form of discrimination. It further requires implementation of affirmative action measures to redress the disadvantages in employment experienced by designated groups, to ensure their equitable representation in all occupational categories and levels in the workforce.</p> <p>Employment Services and Skills Development Acts requires the department of labour to provide a number of public employment services including matching and placing work seekers with available work opportunities. This goal is facilitated by the establishment of labour centres to allow the public easy access to the public employment services.</p>



COMPARATIVE ANALYSIS OF ESS2 AND NATIONAL LAWS			
ESS2 Provisions	South African Laws	Compatibility	Measures to address the gaps
Community workers	National laws do not include explicit provisions for community workers, as defined under ESS2	No related norms	South African law includes protections of the rights of casual and temporary workers, including fair treatment and access to employment benefits. The project does not expect to engage any community workers but will put in place protections equivalent to ESS2 provisions should engagement be envisaged.
Workers of the primary suppliers	<i>Basic Conditions of Employment 1997 (as amended) and Labour Relations Act, 66 of 1995</i>	Provisions are consistent with of ESS2 for workers engaged within South Africa	The Project does not anticipate that any primary supplies will be engaged under the project. However, if needed, tender documents for bidding processes will incorporate language in contracts for primary suppliers, including on child & forced labour.

Key principles for the project in relation to labour engagement are:

- **Occupational Health and Safety-** to ensure health and safety conditions in the workplace, including adequate training and protective measures such as Personal Protective Equipment (PPE).
- **Equality, equity and fair treatment-** is strongly legislated in South Africa to address past inequality and affirmative action is required in accordance with the Black Economic Empowerment Act (BEE) and the associated BEE Codes, as well as protection against discrimination based on gender, age or ability.
- **Prevention of forced and child labour-**The minimum age for non-hazardous work in South Africa is 15 years and the Constitution states that no one may be subjected to slavery, servitude or forced labour.
- **Freedom of association-** is guaranteed under Bill of Rights. However, persons in government management are not permitted to unionise.
- **Worker's grievances-** are protected under the South African Constitution.



5. HEALTH AND SAFETY AT THE WORKPLACE

Pursuant to the requirements of the World Bank's ESS2 and ESS4, including the World Bank Group General Environment, Health and Safety Guidelines, the project will also comply with South Africa's Occupational Health and Safety Act (Act 85 of 1993) and its regulations which is the Act that aims to provide for the health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety. This Act is administered by the government of South Africa through the Ministry of Labour and Employment. Certain key provisions in the OHSA regarding the health and safety of the project workers and community include the following (amongst others):

- Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his/her employees;
- Every employer shall conduct his/her undertaking in such a manner as to ensure, as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety;
- Every employee shall at work take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions;
- Every employer shall as far as reasonably practicable cause every employee to be made conversant with the hazard to his/ her health and safety attached to any work he/she has to perform;
- Employers shall respect terms of the OHSA in the interest of the health and safety of an employee, make any deductions from any employees remuneration or require employees to make payment to him/her, and;
- Every employee has the right to refuse to perform any work if circumstances arise which with reasonable justification appears to that employee or health and safety representative to pose an imminent and serious health and safety risk to them and others without any retaliation against such employee.

5.1. General duties of employers towards workers

The employer must provide and maintain all the equipment that is necessary to do the work, and all the systems according to which work must be done, in a condition that will not affect the health and safety of workers. The employer must take measures to protect his or her workers' health and safety against

hazards that may result from the production, processing, use, handling, storage or transportation of articles or substances, in other words, anything that workers may come into contact with at work.

5.1.1. To ensure that these duties are complied with, the employer must:

- Identify potential hazards which may be present while work is being done, something is being produced, processed, used, stored or transported, and any equipment is being used
- Establish the precautionary measures that are necessary to protect his or her workers against the identified hazards and provide the means to implement these precautionary measures
- Provide the necessary information, instructions, training and supervision while keeping the extent of workers' competence in mind. In other words, what they may do and may not do
- Not permit anyone to carry on with any task unless the necessary precautionary measures have been taken
- Take steps to ensure that every person under his or her control complies with the requirements of the act
- Enforce the necessary control measures in the interest of health and safety
- See to it that the work being done, and the equipment used, is under the general supervision of a worker who has been trained to understand the hazards associated with the work
- Such a worker must ensure that the precautionary measures are implemented and maintained

5.2. General duties of the worker

It is the duty of the worker to:

- Take care of his or her own health and safety, as well as that of other people who may be affected by his or her actions or negligence to act.
- Cooperate with the employer where the Act imposes a duty or requirements on the worker
- Give information to an inspector from the Department of Labour if he or she should require it
- Carry out any lawful instruction which the employer or authorised person prescribes with regard to health and safety
- Comply with the rules and procedures that the employer gives him/her
- Wear the prescribed safety clothing or use the prescribed safety equipment where it is required
- report unsafe or unhealthy conditions to the employer or health and safety representative as soon as possible

- If he or she is involved in an incident that may influence his or her health or cause an injury, report that incident to the employer and authorised person or the health and safety representative as soon as possible, but no later than by the end of the shift.

5.3. Rights of the worker

The worker must have access to:

- The occupational health and safety act and regulations
- Health and safety rules and procedures of the workplace
- Health and safety standards which the employer must keep at the workplace
- The worker may request the employer to inform him or her about health and safety hazards in the workplace
- The precautionary measures which must be taken
- The procedures that must be followed if a worker is exposed to substances hazardous to health.

The worker may request that his or her private medical practitioner investigate his or her medical and exposure records. If the worker is a health and safety representative, he or she may investigate and comment in writing on exposure assessments and monitoring reports.

5.4. Reporting of incidents

PMU, Node coordinators, contractors and subcontractors are responsible for maintaining incident reports related to any social, labour, health and safety, security or environmental incident or accident and any near misses to enable actions to be taken to prevent reoccurrence and reduce the number and severity of future incidents. The PMU will oversee the due diligence of comprehensive incident reporting and investigation enables analysis of performance in order to identify trends and where improvement is required. All project work incidents must be recorded, with date and location, and related corrective action in quarterly progress reports, as defined in the ESMF (see Annex 4) and in accordance with the requirements under the Occupation Injuries and Diseases Act (COIDA) of 1993 (amended).

In addition, the project will adhere to the World Bank's Environmental and Social Incident Response Toolkit (ESIRT) procedures for serious incidents or GBV (as amended). Any serious or severe incident occurring related to project activities shall be reported to the PMU and World Bank as soon as possible and no later than 24 hours after the incident occurred through an initial communication reflecting the basic information known at the time of the report using ESIRT templates.

The South African Compensation Fund provides compensation to employees who are injured or contract diseases through the course of their employment. The Fund is governed by the Compensation for Occupation Injuries and Diseases Act (COIDA) of 1993 (amended) which determines how (and by whom) the fund is administered and the conditions for eligibility for compensation.

6. CONTRACTOR MANAGEMENT

Any contractors or sub-contractors engaged under the project is required to adhere to the national standards and the provisions specified in the (ESMF) for the Project. The contractors and subcontractors must provide a declaration of eligibility and qualification which includes any prior suspensions, terminations and/or where performance guarantees have been called by an employer related to non-compliance of any environmental, social, health or safety requirement in the past five years. In accordance with the OHS policy, contractors, service providers and concessionaires must agree with the following requirements:

- The project team will plan, coordinate, control and monitor the activities of any individual or organization that renders a service for this project
- Prior to awarding any contract, the health and safety requirements must be met by whoever applied for the contract or tender.
- Whilst rendering a service for this project, the service provider must take the necessary and reasonable care to ensure that the health and safety of personnel and any other who might be affected are not compromised.
- Before commencing with work, the service provider/ consultant must commit that they will comply with standards and requirements pertaining to health and Safety.

7. COMMUNITY HEALTH & SAFETY

The Project's management objectives for community health and safety include the following:

- Respect cultural diversity and the livelihoods of local communities;
- Protect the health and safety of local communities;
- Effectively manage grievances raised by local communities;
- Avoid or minimize community exposure to disaster risks, diseases and hazardous materials associated with project activities;



- Have in place effective measures to address emergency events, whether human-made or natural hazards;
- Comply with local legislation and other requirements.

8. EMPLOYMENT ENVIRONMENT

8.1. Terms and Conditions

The employer will obtain a signed agreement with the following details when a worker is engaged. The information captured shall be readily available during inspection of contractor records by PMU, node coordinators and during World Bank supervision missions. The agreement, as applicable to the type of engagement, should be jointly signed by worker and employer.

- Name of employer(s)
- Job description
- Employee details
 - ✓ South African National Identify Card
 - ✓ Name
 - ✓ Date of Birth
 - ✓ Contact details/address
 - ✓ Resident in PA community (yes/no)
- Date of employment commencement
- Wage agreement:
 - ✓ Remuneration
 - ✓ Frequency of payment
 - ✓ Method of payment
 - ✓ Mandatory deductions, as relevant (taxes, other)

The employer must keep a signed record that affirms that the following information has been provided to the worker and associated induction training records:

- Collective agreement, if applicable
- Hours of work
- Probation period
- Notice period

- Acknowledgement of knowledge of access to grievances related to project and/or employment (signature)
- Leave entitlements
- Code of Conduct (see following section)
- Other benefits, as relevant (Pension, Transport, Housing, Holiday, Education, Health)

8.2. Code of Conduct

The PMU and all three nodes have policies to prevent sexual harassment as well as procedures for settling complaints or grievances. The Labour Relations Act is the main act that deals with sexual harassment in the workplace. It has a Code of Good Practice on Sexual Harassment that sets out the best ways to deal with complaints about sexual harassment.

The Nodes must ensure that any employer is responsible to ensure that any persons engaged, including consultants/contractors, are appraised of the Labour Relations Act and keep diligent records of acceptance along with the records affirming terms and conditions. Contractor and sub-contractor's personnel procured for works may submit their existing Codes of Conduct for review of equivalence in response to request for proposals or adopt Code of Conduct from the World Bank's Standard Procurement Document, which is attached to this document in Annex 1. This document, or the Contractors approved Code of Conduct, must be signed by the worker engaged and maintained as part of the labour management plan for implementation of activities.

8.3. Age of employment

The minimum age for engagement in the project is 18.

Project activities may not engage child labour, defined as any person below 18 years of age. Project team, contractors and sub-contractors are consequently required to retain records of anyone engaged/employed in this project and verify age through details obtained from the South African National Identify document/card. Should a contractor or sub-contractor be found to be in violation of this policy they will be suspended pending further investigation and may face government prosecution.



8.4. Worker's grievance

In accordance with national legislation employees have the right to raise issues without fear of victimisation. Issues should be raised with the immediate management if possible and be resolved at the lowest level possible. If the grievance is not resolved the employee should use existing labour grievance mechanisms and procedures in the nodes and further investigation should take place. A grievance mechanism has been established for the project, which will receive and manage any potential grievances submitted. In addition, as part of contracting for activities involving engagement of labour, contractors will need to affirm the provision of grievance procedures for all direct workers and contracted workers to raise workplace concerns. All the concerned workers must be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any retaliation for its use. Measures will be put in place to make the grievance mechanism easily accessible to all project workers.

The activity specific grievance mechanism will be equivalent to the nature and scale and the potential risks and impacts of the project. It will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner. The grievance procedure for this project is aligned to the existing grievance mechanism of the DFFE and all entities involved in the implementation of this project.

9. HARASSMENT AT THE WORKPLACE

The Department of Forestry, Fisheries & the Environment as a workplace is committed to providing a safe, healthy, and conducive working environment and will take necessary steps to maintain this environment. The department aims to achieve this by ensuring that it takes necessary steps to ensure that it meets its constitutional obligations to protect its employees' rights to equality and fair treatment. Therefore, the department will neither permit nor condone any form of harassment in its workplace. Members of the public, employees of the department and any other person who have dealings with the department, have the constitutional right to be treated fairly, equitably and with respect and dignity.

Harassment is a form of discrimination that violates the inherent right to dignity which is afforded every individual and undermines the integrity of the employment relationship. Allegations and complaints of harassment shall be responded to promptly and dealt with seriously, expeditiously, fairly, sensitively, and confidentially and complainants shall be protected against victimization and/or retaliation. False allegations of harassment shall not be tolerated and whoever acts in bad faith will face disciplinary action.

All employees of the Department must be aware that violation of the policy on harassment at workplace will lead to serious disciplinary action up to and including dismissal.

9.1. Labour Rights

Sexual harassment is an unfair labour practice. An employee has the right to:

- A workplace that is free from sexual harassment.
- Be treated with dignity and respect at work.
- Be treated equally, and not to be discriminated against because of race, gender and your HIV status.
- To report sexual harassment without fear of victimisation (ill-treatment).
- Have your complaint treated seriously and confidentially.

9.2. Labor Influx and GBV

Labour influx and potential risk related to GBV have assessed to be low for the project. Regardless, contractors will be required to adopt the Code of Conduct set out in Annex 1 or establish an equivalent Code. The Code of Conduct commits all persons employed by the contractor, including sub-contractors and suppliers, to acceptable standards of behaviour. Any Code of Conduct used by the project will include punishments for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation and sexual harassment (e.g., termination). The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

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

In addition, to maintain labour relations with surrounding communities through [South African Government Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace](#) which aims to eliminate all forms of harassment in the workplace by providing guidance on the policies and procedures to be implemented in the event that harassment occurs in the workplace. The Code of Good Practice provides guidelines to employers and employees on the prevention, elimination and management of all forms of harassment in the workplace as a form of unfair discrimination and on human resources policies, procedures and practices related to harassment and appropriate procedures to deal with harassment and prevent its recurrence. The Code of Good Practice further identifies the steps that employers must take to eliminate harassment, including the development and implementation of policies, procedures and

practices that will lead to the creation of workplaces that are free of harassment and in which employers and employees respect one another's integrity, dignity, privacy and their right to equality in the workplace.

When engaged, workers must be informed about national laws that make sexual harassment and GBV a punishable offence. It is paramount for the project to further to provide ongoing awareness for the workforce about Good Practice, including refraining from unacceptable conduct toward local community members and fellow workers, specifically women.

9.3. Sexual Harassment

Sexual Harassment is:

- Any unwelcome conduct of sexual attention or nature from a person who knows or ought reasonably to know that such attention is unwelcomed.
- An unwelcomed explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or related person, even if it was a single incident.
- Any implied or expressed promise of reward for complying with a sexually oriented request; or
- An implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request.
- The act can be considered Sexual Harassment if the recipient made it clear that the behaviour is offensive, and the perpetrator was made aware that the behaviour is unacceptable.
- Sexual harassment includes conduct which is verbal, non-verbal, physical, sexual favouritism.
 - **Verbal forms** of sexual harassment include unwelcome verbal sexual suggestions and hints, sexual advances, unwelcome graphic comments or insults with sexual overtones about physical appearance, unwelcome and inappropriate enquiries about a person's sex life, unwelcome sexual calls and texts, and unwelcome whistling directed at a person or group of persons.
 - **Non-verbal forms** of sexual harassment include unwelcome gestures such as licking of lips, winking, leering (staring), hand/sign language

gestures implying sexual activities, indecent exposure, Obscene gestures, and the unwelcome display of sexually explicit pictures, audio, visual materials such as pornographic images and emails and objects.

- **Physical conduct of a sexual nature** includes amongst others, all unwanted physical contact, ranging from touching parts of the body which another person doesn't want touched, fondling breasts, pinching of buttocks, sexual patting to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.

9.3.1. Sexual Harassment/GBV reporting by community members

Sexual Harassment/GBV should be reported promptly or as soon as it is reasonably possible to enable the entity to address and correct unacceptable behaviour and provide support to the complainant.

9.3.2. Time Frames

- Harassment should be reported promptly or as soon as it is reasonably possible to enable the entity to address and correct unacceptable behaviour and provide support to the complainant. Complainants of sexual harassment are therefore encouraged to report the case as soon as it has occurred to allow the entity to take necessary steps to prevent further harassment or protect the complainant against further harassment.
- The Entity shall ensure that reported harassment complaints are investigated and resolved.
- The Entity shall acknowledge the receipt of the complaint within 7 working days upon receipt
- The Entity shall within 21 working days arrange a meeting with the accused to their side of the story
- After getting the accused side of the story, the Entity should arrange a meeting with the complainant to also understand their side of the story
- The accused should be suspected while the investigation is taking place and if found guilty, they should be expelled from the workplace and face criminal charges as per South African Justice system
- The victim should be kept updated about the proceedings of the investigation
- The Entity shall ensure that the assistance (psychological) is given to the victim as required