

Republic of Zambia

MINISTRY OF TOURISM

ZAMBIA GREEN, RESILIENT AND TRANSFORMATIONAL TOURISM DEVELOPMENT PROJECT (GREAT-TDP) (P180337)

LABOUR MANAGEMENT PROCEDURES (LMP)

April 2023

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LIST OF ABBREVIATIONS USED

8NDP	Eighth National Development Plan
AF	Additional Financing
COVID-19	Coronavirus Disease 2019
ESF	Environmental and Social Framework
FBO	Faith Based Organizations
FGDs	Focus Group Discussions
GBV	Gender-Based Violence
GREAT-TDP	Zambia Green, Resilient and Transformational Tourism Development Project
GRM	Grievance Redress Mechanism
GRMC	Grievance Redress Mechanism Committee
HIV/AIDS	Human immunodeficiency virus / Acquired immune deficiency syndrome
IRI	Interactive Radio Instruction
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MoFNP	Ministry of Finance and National Planning
MoT	Ministry of Tourism
MSMEs	Micro, Small and Medium Enterprises
OHS	Occupational Health and Safety
PDO	Project Development Objective
PCC	Parent Center Committees
PPE	Provision of Personal Protective Equipment's
PM	Project Manager
PIC	Project Implementation Committee
PIM	Project implementation manual
PIU	Project Implementation Unit
POs	Program Officers
SIs	Statutory Instruments
ZTMP	Zambia Tourism Master Plan

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TABLE OF CONTENTS

1. INTRODUCTION....1
2. OVERVIEW OF LABOUR USE ON THE PROJECT....2
3. ASSESMENT OF KEY POTENTIAL LABOUR RISKS....6
3.1. KEY LABOUR RISKS....6
3.2. REMEDIAL MEASURES....8
4. BRIEF OVERVIEW OF LABOR LEGISLATION....9
5. OCCUPATIONAL HEALTH AND SAFETY (OHS)....12
6. RESPONSIBLE STAFF....14
7. ENGAGEMENT AND MANAGEMENT OF CONTRACTORS....14
8. TRAINING OF WORKERS....14
9. POLICIES AND PROCEDURES....15
10. AGE OF EMPLOYMENT....15
11. TERMS AND CONDITIONS....15
12. GRIEVANCE REDRESS MECHANISM....17
13. CONTRACTOR MANAGEMENT....19
14. PRIMARY SUPPLY WORKERS....19
15. ANNEX 1: EMPLOYEE CONTRACT....21
16. ANNEX 2: SAMPLE COMPLAINT FORM....24
17. ANNEX 3 WORKERS AND EMPLOYER'S RESPONSIBILITIES....26

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LIST OF TABLES

Table 1 Description of Project Direct Workers 3
Table 2 Showing the Number of Categorized Workers 5
Table 3 Summary of legal Documents guiding the LMP 9
Table 4: Grievance/Complaint Form 24
Table 5: Employers and workers OHS Responsibilities 26

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1. INTRODUCTION

The tourism sector is part of Zambia's overall national strategy for economic recovery and job creation. The Country is endowed with a rich natural and cultural resource base to support resilient and sustainable tourism sector growth and development. The Government's efforts to expand tourism is centered around promoting both nature and culturally based tourism activities. Historically, Zambia's unique wilderness value and large network of protected areas, which cover 30 percent of its national territory formed the bulk of tourism activities. However, the recent past has witnessed an increase in promoting a wide range of tourism activities, including cultural ceremonies, traditional foods, sporting events, and meetings, incentive travel conferences and exhibition (MICE).

The proposed Tourism Development Project (TDP) is an initiative supported by Government with funding from the International Development Association (IDA) at a total cost for the project of US $100 million. The Project components comprise of: Component 1 Enabling Environment for Nature Based Economy, Component 2 Improving Climate Resilient Destination Access and Basic Service Infrastructure and Component 3 Project Administration and Management. The Occupational Health and Safety risks are assessed against Component 1.3 and Component 2. Component 1.3 will co-finance economic activities in tourism, wild commodity trade, and carbon trade that can be identified under the following three categories (1) Activities that seek to generate biodiversity co-benefits --- climate smart agriculture, sustainable freshwater production, waste management, forestry, sustainable tourism (2) Activities with biodiversity conservation and/or restoration as the primary objective habitat conservation – terrestrial and water (3) Activities and investments in nature-based solutions to conserve, enhance, and restore ecosystems and biodiversity natural infrastructure, watershed management. Component 2 will finance the identification, preparation (conducting the feasibilities and design studies) and installation/ construction of a range of infrastructure including roads, air strips, airport facilities, river transportation, telecommunication network and off-grid power supply. The selected works will be designed, constructed, and maintained (for a specific period) by the contractor using the Output-and-Performance Based Road Contracts (OPRC) contracting methodology. For the tourism sector, the component will also finance the design and construction of visitor centers, as well as the provision of ancillary works such as game loops, interpretative signage and protection fencing for special sites.

The objective of the GREAT-TDP is to increase nature based economic opportunities in emerging tourism destinations in Zambia. The TDP will support the Government to increase the economic contribution of tourism to the Zambian economy through the implementation of selected priority activities in the 8th National Development Plan, the Zambia Tourism Master Plan (ZTMP 2018-2038) and other Government Policy pronouncements. These policy documents and pronouncements lay out the strategy approach to the development of the tourism sector, with a focus on economic transformation and job creation. The Government has placed emphasis on promoting tourism-related infrastructure development, policy reforms to reduce the cost of doing business in the sector, diversification of tourism products, domestic and international tourism marketing, sustainable management, conservation of wildlife habitats in national parks, incentivizing private sector and community participation in tourism development and unlocking partnerships to support Government's resource conservation and management efforts.

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Despite the rich resource and policy pronouncements, the sector is faced with several challenges which include underfunding; inadequate and poor tourism infrastructure in tourist attraction centers; policy laps and inconsistencies; human-wildlife conflicts; degradation of biological corridors and community managed natural areas; constrained space for private sector investments; limited community access to benefits; and degradation of wildlife and habitats. There is also limited budget for marketing and tourism promotion to increase the country's share in the regional tourism market and limited credible sectoral statistics for better policy decisions. Growth of the sector potentially can have significant pro-poor impact, raising prosperity and providing more jobs and better livelihoods for many Zambians especially in rural areas.

The GREAT-TDP is being prepared in line with the World Bank's Environmental and Social Framework (ESF) which provides for the development of a Labour Management Procedure (LMP) under ESS2 (Labour and Working Conditions) and ESS4 (Community Health and Safety).

The LMP sets out (i) how project workers will be managed in accordance with existing national labour laws, (ii) states terms and conditions of employment that will apply to project workers, including support for the principles of freedom of association and collective bargaining, (iii) provides for equal opportunities and non-discrimination of project workers, (iv) establishes minimum age for employment in preventing forced labour and child labour (v) measures to address occupational health and safety (OHS) of workers and (v) presents a worker grievance mechanism to raise workplace concerns. The provisions on the LMP will apply to direct workers, contracted workers, primary supply workers and community workers engaged by the project.

2. OVERVIEW OF LABOUR USE ON THE PROJECT

The Labour Management Procedures (LMP) will apply to all project workers, skilled or unskilled, who include full time, part-time, temporary, seasonal, or even migrant workers. The LMP is applicable, as per ESS2 and ESS4 to the Project workers in four (4) categories as follows:

i) Direct workers - people directly employed or engaged by the borrower (including the Project proponent and implementing agencies) to work specifically in relation to the Program/Project.

   These will be the Project Implementation Unit (PIU) staff (see Table 1 details). The PIU will comprise at least 4 functional subunits that will work across all sub-components of the Project. The composition of the PIU is as follows:

   A Project Coordinator (PC), who will be responsible for overall management and coordination of the GREAT-TDP activities. The PIU will consist of one Financial Management Specialist, one Matching Grant Specialist, one Procurement Specialist, one Planning Specialist, one Tourism Specialist, one Environmental Specialist, one Social Specialist, one Monitoring and Evaluation (M&E) Specialist, one Infrastructure Specialist, Communications Officer, one ICT Officer, one Administrative Officer, two Drivers and one Office Assistant. These staff will assume additional responsibilities of supporting GREAT-TDP implementation. Qualifications, experience, and terms of reference requirements for each position will be provided in the Project Implementation Manual (PIM).

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ii) Contracted workers -will include individuals drawn from communities in the project sites to support construction works for roads, airstrips and other common use facilities. These include bricklayers, carpenters, manual workers, among others. These will be the workers who will be contracted to undertake specific tasks both skilled and unskilled. Enterprises owned by women will be hired for infrastructure activities, via vocational training, capacity building activities, etc. Contracted workers will also consist of consultants hired to conduct technical studies and workers employed under construction companies for subprojects under Component 2.

iii) Primary supply workers - these will be people employed or engaged by the Project's primary suppliers of goods and materials for the core functions of the project (construction materials, advertising materials, IT equipment etc).

The implementation of the GREATTDP involves multiple sectors and actors that will be engaged in activities that include constructing/rehabilitating roads, bridges, airstrips, airports, supply of services and materials as part of game loops, interpretative signage, and office/management infrastructure. Workers from primary suppliers will be required to adhere with the ESS2 and ESS4 and national labour law through formal labour engagements with the supplying entity regarding involvement with the implementation of activities under GREAT-TDP. The Project will not require primary supply workers throughout the life of the Project.

iv) Community workers - people employed or engaged in providing community labour under component 1.3 matching grant and component 2 Improving Climate Resilient Destination Access and Basic Services Infrastructure (Projects may include the use of community workers in several different circumstances, including where labour is provided in construction by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development).

Community workers will be engaged through the Project Implementation Committee (PIC) that will be established in the project areas. Community workers will be drawn from local communities and engaged for sub structural works that shall require unskilled labour. When hiring community workers, the Project will apply non-discriminatory, equal opportunities criteria according to the work needs; and regulations of the national labour laws and ESSs 2 and 4 requirements. The project will follow the Ministry of Tourism procedures when engaging Project workers. The Project PIU's proposed structure is as illustrated in Table 1:

Table 1 Description of Project Direct Workers

S/N	Position	Number	*Responsibilities of Worker*
1.	Project Coordinator	1	To provide oversight and coordination of activities under the PIU.
2.	Financial Management Specialist	1	Carry out financial assessments covering project budgeting, internal controls, accounting, funds flow, financial reporting, auditing arrangements.

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3.	Infrastructure Specialist	1	Responsible for implementation of infrastructure projects
4.	Tourism Specialist	1	Responsible for national branding, marketing, tourism, and licensing
5.	Social Development Specialist	1	Responsible for social sustainability and social risk management to provide technical support for social sustainable and inclusive development, particularly relating to involuntary resettlement and livelihoods, labour issues (forced labor, SEA/H and child labor), social inclusion, risk mitigation and institutional capacity building
6.	Environmental Specialist	1	Provides oversight, review of screening reports and tools, review of ESMPs, CESMPs, ESIA/EPBs, OHS plans and close monitoring and evaluation of all the sub project activities and subprojects with or without Supervising Engineers or Consultants. Ensures that monitoring sub project activities are undertaken, and findings reported periodically so that remedial/ corrective actions and technical assistance are implemented to ensure compliance.
7.	Procurement Specialist	1	Facilitates the procurement of goods, works, non-consultancy and consultancy services for effective delivery of project goals.
8.	Matching Grant Specialist	1	Facilitates the administering and implementation of the Matching Grant scheme
9.	Monitoring & Evaluation Specialist	1	Designing Results Framework, implementing monitoring

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			systems and tools, monitoring project activities, outputs and progress towards anticipated results.
10.	Planning Specialist	1	Responsible for nature-based policy, regulatory and institutional frameworks
11.	Economic Specialist	1	Undertakes economic analysis of project activities to inform decision making
12.	Administrative Assistant	1	Provide administrative support to the PIU including data collection, report writing, research and collaboration with project team members.
13.	Office Assistant	1	Perform clerical duties including, keeping the office environment clean, stocking up office supplies, photocopying, scanning, filing, and logistical support for workshops and project/field activities.
14.	Drivers	2	Provision of reliable and secure driving services by driving Project vehicles for the transport of authorised personnel and delivery and collection of mail, documents and other related goods and supplies for the PIU.
	Total	**15**	

Table 2 Showing the Number of Categorized Workers

S/N	Number Of Categorized Workers.	Number of Workers
1.	Direct workers	15
2.	Contracted Workers	Hired when required
3.	Community Workers	Hired when required
4.	Primary Supply Workers	Hired when required

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3. ASSESMENT OF KEY POTENTIAL LABOUR RISKS

The Project Development Objective is to increase nature based economic opportunities in emerging tourism destinations in Zambia. The project will address among other issues destination specific barriers, including enabling infrastructure provision. This will entail constructing/rehabilitating roads, bridges, airstrips, airports, supply of services and materials as part of game loops, interpretative signage, water supply, office/management infrastructure and activities under Component 1.3 Matching Grants. To support Destination Access and Basic Service Infrastructure within TDAs to make destinations more attractive and safer. Further, the project will focus on legal and legislative reforms, institutional capacity building and support to communities.

Given the scope of infrastructure activities, which will involve substantial civil works, it is likely that there will be substantial risks and impacts related to working conditions and health and safety. Labor related risks include hazardous work or use of hazardous materials at construction sites and Occupational Health and Safety risks during operations. Additional activities will include undertaking assessments and capacity training of PIU and beneficiaries thus probable risk and impact particularly on health will include exposure to infection and transmission of COVID19 and sexually transmitted diseases due to increase in commercial sex transaction especially around Project sites and surrounding areas. All project workers (direct, contracted, primary suppliers and community) are potentially at risk of being engaged under inadequate working conditions that are not in line with national labour laws and ESS 2 requirements.

The following are the key labor risks identified

3.1. Key Labour Risks

In light of the above section, the anticipated key labor risks are:

a) Incidences of Child labor and forced labor: There is a risk of child employment as community members below the age of sixteen years might be engaged to work for the project. Further there is also the risk of forced labour that may occur during project implementation. This may be particularly common among contracted workers that may be forced to work against their will until tasks are completed before being released.

b) Gender Based Violence (GBV), sexual exploitation and abuse or sexual harassment (SEA/SH): in particular, women workers might be exposed and experience GBV and SEA/SH from the project male workers for instance during hiring and employment process, at work sites or outside worksite during field works in Project areas and surrounding areas. This risk may be experienced by workers across all labour categories. Further, inappropriate interactions between workers and surrounding communities may also result in increased incidences of GBV/SEA/H.

   The risk of non-discrimination and deprivation of equal opportunity based on gender, religion, political affiliation, physical ability/disability is likely to arise for workers that will be engaged by the project. This may include workers being subjected to poor working conditions, workers having unclear terms of employment, delays in payment of workers'

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salaries, limited opportunities for promotion and training and other practices that do not align with ESS2 and national labour laws. Discrimination may arise during the recruitment processes and workers may also be deprived of the right to establish worker organizations for the purpose of collective bargaining.

c) Community Health and safety: CHS risks are likely to be extensive for this project. CHS risks may include (i) traffic and road safety risks resulting from an expected significant increase in construction, tourist related traffic and poor standard of road rehabilitation and construction in rural areas leading to vehicle impacts with local community members and livestock (ii) unsafe and climate vulnerable infrastructure (including roads, buildings, air strips, bridges) leading to collapse during operational use and extreme weather events (iii) a lack of security at subproject sites such as airstrips and where off grid energy solutions and telecommunications equipment are installed that could lead to theft of equipment, fuel and small scale moveable infrastructure or cause accidents (impacts, electrocution etc.) due to community encroachment and inadvertent access (iv) spread of Covid-19, contraction of Malaria and other communicable diseases to the local communities due to tourist influx into the rural areas (v) an increase in theft and robbery of tourists and members of the local community (vi) increased wildlife attacks (crocodiles etc.) on local community members and tourists due to animal attraction to inappropriately managed food waste and increased tourist activity within specific animal habitats (especially aquatic habitats) (vii) inappropriate disposal of wastes of all types (wastewater, solid, hazardous) leading to the spread of infectious diseases among the community, increase in the number of local community members engaged in waste picking, and community health impacts from local water resource contamination and air pollution from burning of solid and hazardous waste etc. (v) airstrips and river transportation could store bulk fuel resulting in fuel leakage from compromised containment into the ground water or protected waterway or a catastrophic loss of fuel due to an accident or a loss of containment leading to a fire that could spread to nearby communities or pollute local water resources (vi) a lack of emergency response coordination at project sites leading to the uncontrolled spread of contaminants and fire etc and (vii) inappropriate storage of hazardous materials (other than fuel) resulting in inadvertent community exposure through water and air pollution (viii) operational hazards during the operation of specific subprojects such as airstrips where bird strikes could cause aircraft to make emergency landings in nearby community areas (ix) inadequate provision of drinking water (x) a risk of drowning associated with waterway transportation (xi) where water related activities (xii) inadequate building codes leading to life, fire and safety risks associated with infrastructure and (xii) irreversible damage to local ecosystem function;

d) Inadequate Occupational Health and Safety practices and procedures implemented during all phases of subproject activities leading to worker injury. Under components 1.3 and 2 workers will be exposed to a varying degree of physical, chemical, biological and other hazards throughout subproject construction and the operational phases. Under component 1.3 Matching Grants likely OHS risks include vehicle use in rural areas, use of pesticides, large scale fires, manual handling, slips, trips and falls, security and personal safety etc. The OHS risks under Component 2 during the construction and operational phases are broader and cover a wider range of hazards including exposure to physical hazards (stress from long working periods, electricity, road travel, noise, vibration, trips, slips and falls, heat); chemical hazards (paints, cement, pesticides, hazardous materials etc.); biological

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hazards (viruses, infections including HIV and AIDS); other hazards (excavations, moving objects, asbestos etc.).

Furthermore, infrastructure may create a dangerous environment to the community members especially vulnerable groups of Project sites and surrounding areas for example the dust from the construction site may be a health hazard and the construction equipment may cause harm to the community. Project activities involving travel increases workers' exposure to accidents (car, motorbike, or bus) encompassing all workers that will undertake Project related travel such as monitoring, facilitation and coordination for assessment activities.

Environmental degradation (vegetation degradation, water contamination, waste disposal, noise pollution, dust pollution and illegal quarrying).

3.2. Remedial Measures

The proposed remedial measures for all the above risks are:

a) Enforcement of labour laws to ensure there is no incidences of child labour and forced labour by employing only persons who are sixteen years old and above and that no one is made to work against their will.
b) Implementation and monitoring of an appropriately scaled OHS plan or Health Safety Management Plan (HSMP) for larger scaled construction projects. The OHS plans will incorporate hazard identification, risk assessment, communication and training, implementation and monitoring, standards and requirements of PPE and other more technical measures such as method statements, permits to work etc. OHS plans will be based on GIIP, the various Bank ESHGs (General, Toll roads, Tourism and Hospitality, water and sanitation, thermal power and electric power generation etc.).
c) Ensuring that working conditions are maintained in line with ESS2 and local labor legislation including clearly stipulating work hours, ensuring issuance of pay slips, healthcare cover, valid contract, maintaining a code of conduct, to ensure timely payment of worker salaries and general enforcement of national labour laws and ESS 2 requirements.
d) Conducting trainings and sensitization of communities on occupational health and safety.
e) Ensuring no one is discriminated and deprived of the opportunity to work on the Project based on gender, religion, political affiliation, physical ability/disability.
f) Implementing the Grievance Redress Mechanism to address Project related complaints and specific guidance on handling GBV cases. This will be done via sensitization on the worker GRM and through ensuring that there is a survivor centered approach and a referral pathway.

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4. BRIEF OVERVIEW OF LABOR LEGISLATION

The Government of Zambia has enacted labor laws which regulate principles/concepts of employment in Zambia and govern the employer and employee relationship. The LMP for GREAT-TDP is informed by articles contained in relevant national labor laws that include the Employment Code Act No. 3 of 2019, the Employment Code Act No. 3 of 2019, the Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia, the Occupational Health, and Safety Act No. 36 of 2010, and the Public Health Act Chapter 295 of the Laws of Zambia. The laws' basic requirements of employment are materially consistent with ESS2 and ESS4. The national labor directives furnish on hours of work, benefits (if any), job description, leave entitlements, protection of wages, termination of employment, grievance procedure and code of conduct, prohibited labor of child or young person in work. In addition, occupational health and safety, stipulation of categories of worker (including protected and non-protected and casual workers) and prescription on national health cover are also specified in the legislation

The PIU will ensure that national Labour legislation together with ESS2 and ESS4 requirements are followed to guide the project and protect both the workers and employers. Below is a summary of the guiding national laws.

Table 3 Summary of legal Documents guiding the LMP

S/N	Legislation	Description	Project Activity
1.	The Employment Code Act No. 3 of 2019	A) Act regulates the employment of persons; prohibit discrimination at an undertaking; constitute the Skills and Labour Advisory Committees and provide for their functions; provide for the engagement of persons on contracts of employment and provide for the form and enforcement of the contracts of employment. I. Provide for employment entitlements and other benefits; II. Provide for the protection of wages of employees; III. Provide for the registration of employment agencies; regulate the employment of children and young persons; IV. Provide for the welfare of employees at an undertaking and;	The PIU will follow the Employment Code Act No 3 of 2019 in terms of providing entitlements, contract of employment and other benefits.

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		V. Provide for employment policies, procedures and codes in an undertaking.	
		B) Types of contracts under the Act a. a permanent contract; b. a contract for a long-term; c. a contract for a specific task; d. a contract for a probationary period not exceeding 3 months	
2.	The Public Health Act Chapter 295 of the Laws of Zambia	Provides for the prevention and suppression of diseases and generally regulates all matters connected with public health in Zambia. The Act ensures that the workers are safe and protected at their workplace through the provision of First Aid, washing facilities (sanitation) and providing compensation to the workers in case of any accidents.	• The PIU shall follow the Public Health Act Chapter 295 of the Laws of Zambia, in terms of providing safety measures for the workers of the project to suppress exposure and transmission of communicable diseases. • The PIU shall provide First Aid (training and kits), washing facilities (sanitation) and compensation to the workers in case of any accidents.
3	Occupational Health and Safety Act No. 36 of 2010	The Act provides for the establishment of health and safety committees at workplaces and for the health, safety and welfare of persons at work; provide for the duties of manufacturers, importers and suppliers of articles, devices, items and substances for use at work; provide for the protection of persons, other than persons at work, against risks to health or safety arising from, or in connection with, the activities of persons at work;	• The PIU shall follow the Occupational Health and Safety Act No. 36 of 2010 of Zambia, in terms of providing safety measures for the workers of the project such as have correct tools for work, appropriate health and safety training, clearly label all hazardous spaces materials.

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4.	Public Health Act, issued two Statutory Instruments (SI), No. 21 and 22 of 2020, to respond to the COVID-19 pandemic	• Two statutory instruments (SIs) have been issued in response to the COVID-19 pandemic. The first, SI No. 21 of 2020, declared the Coronavirus Disease 2019 as a notifiable infectious disease in line with Section 9 of the Public Health Act. The second, SI No. 22 of 2020, set out measures aimed at controlling the spread of COVID-19. This includes mandatory quarantine measures for patients and those suspected of suffering from COVID-19. • The two SIs facilitate the management and Control of COVID-19 including workplaces.	• The PIU unit shall follow all the guidelines and measures issued by the Ministry of Health (MoH) to respond to the COVID -19 pandemic. • The PIU will ensure that all categories of workers comply with the measures MoH has put in place (such as sanitizers, PPEs to the workers).
5.	Industrial and Labour Relations Act, Chapter 269 of the Laws of Zambia	• The Act relates to trade unions, the Zambia Congress of Trade Unions, employers' associations, the Zambia Federation of Employers, recognition agreements and collective agreements, settlement of collective disputes, strikes, lockouts, essential services and the Tripartite Labour Consultative Council; the Industrial Relations Court; to repeal and replace the Industrial Relations Act, 1990; and to provide for matters connected with or incidental to the foregoing	• The Project will support the freedom of workers to belong to a trade union.
6.	National Health Insurance Act No. 2 of 2018	• The Act provides for sound financing for the national health system; provide for a universal access to quality insured health care services; establish the National Health Insurance Management Authority and provide for its functions and powers;	• The Project will adhere to the provisions of the law to ensure health insurance cover for workers who will be employed under the project.

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		establish the National Health Insurance Scheme and provide for its systems, procedures and operation; establish the National Health Insurance Fund and provide for contributions to and payments from the Fund; provide for accreditation criteria and conditions in respect of insured health care services; provide for complaints and appeals processes; provide for the progressive establishment of provincial and district health offices of the Authority; and provide for matters connected with, or incidental to, the foregoing	

5. OCCUPATIONAL HEALTH AND SAFETY (OHS)

In accordance with the Occupational Health and Safety Act No. 36 of 2010 (applies to all places of work), the Public Health Act Chapter 295 of the Laws of Zambia and annex 3, it is the duty of the employer to ensure and provide:

- the establishment of health and safety committees where there are ten or more workers at workplaces
- worker welfare provisions such as safe drinking water, shelter, and rest areas etc.
- the protection of persons, other than persons at work, against risks to human health or safety arising from, or in connection with, the activities of persons at work; including adequate first-aid arrangements to deal with emergencies and accidents
- matters connected with, or incidental to, the foregoing.
- place and maintain an employee in an occupational environment adapted to the employee's physical, physiological, and psychological ability.
- and maintain adequate supply of drinking water, and separate eating & resting areas free from poisonous or injurious substances.
- to prepare a health and safety policy concerning the protection of the health and safety of the employees, including a description of the organization and arrangements for carrying out reviews to that policy.

A worker to also take reasonable care for his/her own health and safety and that of other persons who may be affected by his/her acts or omissions at the workplace. Annex 3 outlines the responsibilities of an employer(s) and workers.

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The OHS is applicable to all categories of workers of the project. Therefore, before the implementation of Component 1.3 and 2 activities, the PIU or leading entity should have conducted subproject screening, prepared an ESMP that includes or accompanies a standalone OHS plan and includes OHS terms and conditions in the bids and contracts for each subproject including OHS requirements and the preparation of a C-ESMP and an appropriate scaled OHS plan. The leading entity or contractor will be required (i) to conduct a hazard analysis of the work tasks and activities to identify potential OHS risks (ii) prepare preventive and mitigation measure following the mitigation hierarchy (elimination, substitution, engineering controls, administration controls, PPE) (iii) training and communication (iv) OHS objectives and targets (v) work permit system (vi) management of subcontractors (vii) health and safety at project sites (viii) include provisions for emergency responses in the OHS plan with a focal contact officer should an accident occur. The Bank will provide an example of a HSMP template that could be used on component 2 activities. The template needs to be contextualized, tailored and appropriately scaled to each subproject.

The contractor will be required to keep the site free of drugs and alcohol. The contractor‘s site safety plan will include provision for a safe work environment and provide safety measures and protective equipment to all workers, including hand, head, eye and ear protection and safety footwear. The site safety plan will include training at regular intervals to workers to enhance their OHS skills, provision of first aid facilities on-site and employ a trained first aid person, in accordance with the provisions of the Occupational Health and Safety Act No. 36 of 2010 and the Public Health Act Chapter 295 of the Laws of Zambia. The PIU and Contractor will document, report and investigate all occupational accidents and incidents no later than 48 hours after learning of the incident or accident and in accordance with World Bank incidence classification and national laws.

To manage Community Health and Safety risks the following should be considered (i) appropriate road safety policies, plans, construction standards and mitigation measures detailed in the ESMPs (ii) appropriate use of international recognized building and infrastructure construction codes with an emphasis on climate resilience (iii) sub project site security measures to prevent accidental and intentional encroachment on project sites, theft of equipment, attacks and robbery of tourists, dangerous wildlife encroachment or contact with tourists (iv) appropriate waste management plans including the use of the standards and management procedures set out in the WB ESHGs and agreed GIIP where appropriate (v) comprehensive and well rehearsed emergency response measures to address potential subproject unanticipated incidents, arising from both natural and man-made hazards in protected and unprotected areas that includes but is not limited to a catastrophic fuel leak into a waterway or ground water from an airstrip fuel installation, an explosion of a fuel installation, a flood or animal attacks on tourists and community members etc. (vi) the appropriate level of Covid 19, Malaria and other current communicable diseases mitigation measures (vii) all ESMPs should include a thorough assessment of operational safety hazards and will provide an appropriate level of mitigation measures e.g. the assessment of bird strikes during the operation of airstrips or the potential for pollution events that will contaminate local community water resources etc. (vii) the appropriate management of hazardous materials to prevent discharge to the environment, fire or accidental or intentional access by local community

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members. Environmental risks and impacts from matching grant activities that are related to ESS 4 could be similar to the direct and indirect impacts from component activities but on a smaller scale. Similarly, risks and impacts associated with project TA activities are likely to moderate and mitigated by adopting ESS 4 requirements into TA activity Terms of Reference.

6. RESPONSIBLE STAFF

The PIU (see Table 4) under the Ministry of Tourism will be responsible for the overall project management and coordination, including compliance with national labor laws along with ESS2 and ESS4 requirements. The responsibilities of the PIU will be as follows;

The Project Coordinator will be responsible for overall management and coordination of the GREAT-TDP activities implementation assisted by seven project specialists compromising financial management, environment, social, procurement, communication, M&E and ICT, day-to-day fiduciary requirements and technical engagements will further be achieved with support of office administration, accountants, and transport officers. With respect to accountability, the PIU will report to the overall supervision of the GREAT-TDP Project Coordinator through whom all Project reports will be made to the Permanent Secretary at the Ministry of Tourism.

The PIU through the Project Coordinator and the Social Specialist will oversee all aspects of the implementation of the LMP including Component 1.3 and 2 activities, to ensure contractor and/or Supervising Engineer or Supervising Consultant compliance with the ESMP, ESIA, CESMP, OHS plans etc. The PIU will be responsible to notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury. The PIU will provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate. All incidents and accidents will be reported within 48 hours.

The PIU will handle all LMP aspects as part of hiring for works and during procured contractor induction to the Project. The contractor will be responsible for management of their workers' contracts in accordance with national labor laws, World Bank ESS2, ESS4 and LMP requirements which will be supervised by the PIU monthly. The Contractor will be required to adhere to the requirements of the LMP as part of the contract in the works of the Project.

7. ENGAGEMENT AND MANAGEMENT OF CONTRACTORS

The project will use the Government of the Republic of Zambia (GRZ) and World Bank ESF standards to engage and manage the contractors.

8. TRAINING OF WORKERS

The PIU in collaboration with the relevant authorities will manage trainings under OHS which will include the following:

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a) HIV/AIDS – provide information on HIV/AIDS in terms of prevention measures or treatment.
b) GBV – conduct trainings on the various forms of GBV and how they can be prevented. Also sensitize the workers on the GRM in case they face any grievance.
c) Child labor - the workers and communities will be sensitized on child labor and how to prevent it.
d) Regular toolbox trainings on the proper use of Personal Protective Equipment
e) OHS plan - (i) conduct a hazard analysis of the work tasks and activities to identify potential OHS risks (ii) prepare preventive and mitigation measure following the mitigation hierarchy (elimination, substitution, engineering controls, administration controls, PPE) (iii) training and communication (iv) OHS objectives and targets (v) work permit system (vi) management of subcontractors (vii) health and safety at project sites (viii) include provisions for emergency responses in the OHS plan with a focal contact officer should an accident occur etc.
f) OHS for matching grants - OHS training commensurate with the community worker roles, tasks, and responsibilities. This may include, but is not limited to training on OHS measures, carrying out tasks safely etc.

9. POLICIES AND PROCEDURES

The building contract includes all the work required to achieve the agreed finished results. The Contractor must perform his duties under the contract in a professional manner following good building practice. The contractor shall be liable for implementation of his own building contract and is expected to interpret the information presented in the contract documents as a specialist in the field. The finished result found to be at variance with the requirements of the contract must be repaired or replaced by the contractor. The contractor is liable for the conformity of his work during the guarantee period of 3 months. The contractor is obliged at his own cost to repair defects during the guarantee period.

10. AGE OF EMPLOYMENT

a) Minimum age of employment - The Employment Act, Chapter 268 of the laws of Zambia, sets out the minimum contractual age as 16 years. The proposed project will be guided by the aforementioned Act.
b) Process to be followed in verifying age of project workers – the workers will be asked to produce their national registration card or other document as proof of age of the applicant.
c) Once underage workers are found working under the project, the cases shall be addressed in accordance with procedures highlighted in the Employment Act of Zambia shall apply.

11. TERMS AND CONDITIONS

GREAT-TDP will be implemented as a government project. As earlier indicated, the direct workers are existing employees in the Public Service in Zambia. The project will also engage contracted workers, primary supply workers and community workers. The Project will ensure all

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terms and conditions of employment for all workers of the Project meet set minimum employment terms and conditions in accordance with national employment act. For direct workers, the terms and conditions of service are further stipulated in the Public Service (Amendment) Act, 2021.

Overall, the Project will observe national employment law through entitlements such as a minimum wages scale, non-discrimination, and equal opportunity, working hours will be from 08:00 hours to 17:00 hours Monday to Friday including a lunch break of one hour. Work over weekends will be agreed upon as stipulated in Employment Act of Zambia, annual leave, and other applicable forms of leave (maternity, sick leave, special leave etc.), as well as duration of employment and right to form associations. Furthermore, the Employment Act will also guide the Program on 'in kind payments' in cases it will be allowed for personal use and benefit of a community worker. The Project will ensure worker's compliance with national laws barring SEA/SH and GBV in a workplace through knowledge creation and an operational grievance procedure.

For this project, the following provisions will inform management of all workers engaged on the project:

Direct workers: The terms and conditions for direct workers under the PIU, consultants and workers at the project supported facilities will be governed by National Labour Laws. Workers who are on short-term employment will not have maternity or annual leave, etc. Their terms and conditions will be based on a specific assignment to be completed within a specified period at a pay rate per day. These terms and conditions will be discussed at recruitment.

Contracted workers: The Employment Act and associated public service regulations are the guiding legislations on employment terms and conditions for contracted workers. The MoT shall therefore follow the provisions related to labour engagements and management.

Minimum Wages: The official minimum wage will be governed by the provisions of the Employment act 2019. All efforts will be made to ensure that contractors do not underpay and overwork their workers, more so temporary (casual) workers.

Hours of Work: Normal hours of work of a project worker during days of the week (Monday to Friday) shall not exceed 8 hours a day. Hours worked in excess of the normal hours shall be entitled to relevant allowances.

Rest per week: All the workers under the PIU shall be entitled to rest on Saturday, Sunday and on public holidays recognized as such by the Republic of Zambia.

Annual leave: All PIU workers (apart from consultants) shall be entitled to 30 days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

Maternity and Paternity leave: A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her baby to a 14 week maternity leave while male workers shall be entitled for paternity leave of 7 days with pay, provided that she/he has been

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employed by the employer for at least six months without any interruption on her part except for properly certified illness.

Deductions from remuneration: No deductions other than those prescribed in labour laws shall be made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The employer shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

Death benefit: In case of death of a worker during his/her contract of employment, the employer shall pay to his/her remuneration as death benefits in-line with the provisions of the relevant laws.

Medical treatment of injured and sick workers: Contract workers shall at a minimum be expected to be enrolled on an insurance policy by the contractors. All other workers will continue to benefit from medical insurance as arranged by their employers (e.g. for civil servants the civil service insurance scheme).

Compassionate leave: An employee is entitled to compassionate leave with full pay of up to at least twelve (12) days in a calendar year for losing a spouse, child, parent, dependent or on justifiable compassionate grounds

12. GRIEVANCE REDRESS MECHANISM

Typical workplace grievances may include demand for employment opportunities; labour wage rates; delays of payment; disagreement over working conditions; and health and safety concerns in work environment, including GBV/SEA/SH. Although incidences of GBV/SEA/SH occur in most workplaces, it usually goes unreported. Building on the principles of the project GRM, a separate worker GRM will be established for all workers, and they will be informed of the GRM at the time of recruitment. Handling of grievances will be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their complaints or grievances may request that their name be kept confidential, and this will be respected. Further, the mechanism will involve an appropriate level of management and address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned, without any retribution.

Direct workers.

Direct workers engaged for the project will be informed of the existing grievance management system in place for all project workers as part their orientation process and this will be included in their contracts. The Project Coordinator will exercise oversight in the PIU to address grievances raised by individual workers or those raised in a group set up. The grievances raised by workers will be recorded with the actions taken by each unit. The summary of grievance cases will be

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reported to the World Bank as part of the regular report. Where the aggrieved direct workers wish to escalate their issues or raise their concerns anonymously and/or to a person other than their immediate supervisor/hiring unit, the workers may raise the issues with Ministry of Tourism.

Contracted workers

Contractors will be required to establish procedures for workers to report complaints through the human resource officer or their immediate supervisors. In addition, contracted workers will also be encouraged to utilize existing complaint channels that established collective bargaining groups. Beyond the established worker grievance channels, workers will also be at liberty to register concerns on non-compliance by their employers through the respective labour offices under Ministry of Labour. The mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

Community Workers

Dependent on the number of community workers engaged on the project and commensurate to the potential of grievances arising, community workers will be informed of the existing complaints mechanism for workers. Through the PIC, two representatives (male and female) will be identified as focal persons for registering complaints from community workers. The complaint handling for community workers will be aligned with traditional mechanisms for conflict resolution to ensure the process is culturally appropriate for concerned parties.

Primary Suppliers

It is anticipated that complaints from this group will mostly comprise of unfair contract award for provision of goods and services to the project. Primary suppliers will be made aware of the grievance handling process for procurement related complaints, consistent with WB procurement guidelines and national procurement regulations.

The following actions will be used for managing complaints for workers on this project:

Complaints should be sent to the GRM focal point that will be appointed at the workplace by email, text, phone, letter, through complaint boxes or in person. The complaints will be collated onto a complaint form and logged into the register. The email address and phone number will be made available to the workers at signing the contract/recruitment.

Complaints will be reviewed by GRM focal persons that will comprise of the Project Coordinator, human resource officers for contractors, workers and community representatives. The team will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints.

Complaints regarding GBV/SEA/SH will be kept confidential, the name of the complainant will not be recorded, only the age and gender of the complainant, and whether a project worker was

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involved. If the complaint cannot be adequately addressed at this level, the case will be referred to GBV services providers to be identified by the project.

No disciplinary or legal action will be taken against anyone raising a complaint in good faith.

Legal appeal process. The labour laws provide for legal appeals process that can be utilized by any aggrieved staff if they consider the process established by the project to be ineffective and/or unfair.

13. CONTRACTOR MANAGEMENT

Contractors shall be selected according to criteria set in the bidding document. Bid documents shall be prepared by the Ministry of Tourism in liaison with the World Bank and shall include Occupational Health and Safety requirements based on the ESCP and ESMF requirements. Under Matching Grants, grantees' project proposals shall include appropriate scaled OHS measures to manage foreseeable OHS risks associated with their activities. The selection process for contractors, shall be guided by the tender evaluation criteria that shall include contractor's eligibility and value of works. The Contractors shall be selected from a pool of Contractors registered by the National Council of Construction and affiliated to the Association of Building and Civil Engineering Contractors (ABCEC). Labor conditions agreed by the affiliates of the ABCEC shall apply.

The PIU shall supervise contractor works to determine adherence to standards, specifications and compliance to rules and regulations. Remuneration for workers shall be guided by the local labour laws and terms and conditions will be made known to workers before commencement of work. Performance of contractors shall be evaluated during project inspections by the PIU. The contractor will be required to also include records of workers, number of workers, Code of Conduct, and trainings as well trainings held and training dates.

Sub-contractors will have to adhere to all the labour guidelines under the Project. The Ministry of Tourism will pay key attention to the performance of contractors. The monitoring of the implementation of the works will be conducted by the staff under the Project, provincial and district staff.

Contractors who in principle will be specialists, shall be engaged centrally by the Ministry of Tourism to undertake specialist works. Supervision will be at three levels including national, provincial and district levels.

14. PRIMARY SUPPLY WORKERS

The implementation of GREAT-TDP will be engage primary supply workers in activities involving construction/rehabilitation materials (roads, bridges, airstrips, airports), professional expertise (interpretative signage, and office/management infrastructure), IT, communication equipment to mention a few. The Project will ensure adherence to ESS2 and ESS4 requirements and national labor law through formal labor contracts. The PIU will follow the Public Procurement Act, 2020 in terms of procurement of materials. The Ministry of Tourism will identify potential

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risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers. Additionally, where there is a significant risk of serious safety issues related to primary supply workers, the MoT will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness. The ability of the MoT to address these risks will depend upon the level of control or influence over its primary suppliers. Where remedy is not possible, the MoT will, within a reasonable period, shift the project's primary suppliers to those that can demonstrate ability to meet relevant requirements of this LMP.

The PIU will also have the responsibility of investigating any credible allegations of violations of before the contract is terminated. Contractor's attention to this will be in writing stating intention to terminate the contract unless the neglect is corrected in a reasonable time demanded by the Client.

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15. ANNEX 1: EMPLOYEE CONTRACT

Employment Contract

This contract, dated on the ____ day of _____ in the year 20____, is made between [company name] and [employee name] of [city, state]. This document constitutes an employment agreement between these two parties and is governed by the laws of [state or district].

WHEREAS the Employer desires to retain the services of the Employee, and the Employee desires to render such services, these terms and conditions are set forth.

IN CONSIDERATION of this mutual understanding, the parties agree to the following terms and conditions:

1. Employment

   The Employee agrees that he or she will faithfully and to the best of their ability to carry out the duties and responsibilities communicated to them by the Employer. The Employee shall comply with all company policies, rules and procedures at all times.

2. Position

   As a [job title], it is the duty of the Employee to perform all essential job functions and duties. From time to time, the Employer may also add other duties within the reasonable scope of the Employee's work.

3. Compensation

   As compensation for the services provided, the Employee shall be paid a wage of $/ZMW_____ [per hour/per annum] and will be subject to a(n) [quarterly/annual] performance review. All payments shall be subject to mandatory employment deductions (State & Federal Taxes, Social Security, Medicare).

4. Benefits

   The Employee has the right to participate in any benefits plans offered by the Employer. The employer currently offers [list benefits, if any]. Access to these benefits will only be possible after the probationary period has passed.

5. Probationary Period

   It is understood that the first [time frame] of employment constitutes a probationary period. During this time, the Employee is not eligible for paid time off or other benefits. During this time, the Employer also exercises the right to terminate employment at any time without advanced notice. Check the term and conditions

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6. Paid Time Off

   Following the probationary period, the Employee shall be eligible for the following paid time off: • [length of time for vacation] • [length of time for sick/personal days] • Bereavement leave may be granted if necessary.

   The employer reserves the right to modify any paid time off policies.

7. Termination

   It is the intention of both parties to form a long and mutually profitable relationship. However, this relationship may be terminated by either party at any time provided [length of time] written notice is delivered to the other party.

   The Employee agrees to return any Employer property upon termination.

8. Non-Competition and Confidentiality

   As an Employee, you will have access to confidential information that is the property of the Employer. You are not permitted to disclose this information outside of the Company.

   During your time of Employment with the Employer, you may not engage in any work for another Employer that is related to or in competition with the Company. You will fully disclose to your Employer any other Employment relationships that you have and you will be permitted to seek other employment provided that (a.) it does not detract from your ability to fulfill your duties, and (b.) you are not assisting another organization in competing with the employer.

   It is further acknowledged that upon termination of your employment, you will not solicit business from any of the Employer's clients for a period of at least [time frame].

9. Entirety

   This contract represents the entire agreement between the two parties and supersedes any previous written or oral agreement. This agreement may be modified at any time, provided the written consent of both the Employer and the Employee.

10. Legal Authorization

    The Employee agree that he or she is fully authorized to work in [community name] and can provide proof of this with legal documentation. This documentation will be obtained by the Employer for legal records.

11. Severability

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The parties agree that if any portion of this contract is found to be void or unenforceable, it shall be struck from the record and the remaining provisions will retain their full force and effect.

12. Jurisdiction

    This contract shall be governed, interpreted, and construed in accordance with the laws of [state, province or territory].

    In witness and agreement whereof, the Employer has executed this contract with due process through the authorization of official company agents and with the consent of the Employee, given here in writing.

Employee Signature

Date

Company Official Signature

Date

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16. ANNEX 2: SAMPLE COMPLAINT FORM

Table 4: Grievance/Complaint Form

Zambia Green, Resilient and Transformational Tourism Development Project, GRIEVANCE/COMPLAINT FORM
Section 1: Complaint
1. What harm do you believe the Zambia **Green, Resilient and Transformational Tourism Development Project.** Project caused or is likely to cause to you or your community? Please describe in as much detail as possible.
2. What location is concerned with your submission? (Please include Province/District name)
3. Do you live in the project area?
4. Have you previously reported your concerns to Zambia **Green, Resilient and Transformational Tourism Development Project (PIU)**? If yes, please provide the details about those communications and explain why you are not satisfied with the action in response.
5. If known, please list the operational procedures you believe have been violated by the Zambia **Green, Resilient and Transformational Tourism Development Project**.
6. Do you expect any form of retaliation or threats for filing this complaint to the Zambia **Green, Resilient and Transformational Tourism Development Project**?
Section 2: contact information
7. Are you filing an individual submission or representing a community? Individual: ☐ Representing a community: ☐
8. Would you like your name and contact details to be kept confidential? *(*Zambia **Green, Resilient and Transformational Tourism Development Project**) *will not disclose your identities to anyone without your prior consent.)* Yes ☐ No ☐
9. Submitter's Name & contact information: **Name:** **Address:** **Email:** **Phone:**
Preferred Method of Contact: 10. I, the undersigned, request the Zambia **Green, Resilient and Transformational Tourism Development Project** to investigate the issues described above. 11. Signature/Thumbprint

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Name:	Date
NOTES: • Please attach supporting documents, if available.	
Section 3: Official Use Only Grievance ID Number Recorded by:	Date:
Place/Method grievance was received:	

17. ANNEX 3 WORKERS AND EMPLOYER'S RESPONSIBILITIES

Table 5: Employers and workers OHS Responsibilities

RESPONSIBLE ENTITY	RESPONSIBILITIES	KEY ACTIVITIES	MEASURES OF ACCOUNTABILITY
Project Director or equivalent	Setting of business level OHS objectives and targets	Develop and monitor implementation of business level OHS objectives and targets	Business level performance reports
Site Manager or equivalent	Coordinate all activities including those of contractors to ensure compliance to HSMP	Implementing business level OHS objectives and targets	Site level HSMP performance reports
Human Resource/Admin Manager or equivalent	Ensure human resource has the competences to enhance OHS	Identify required OHS competences by conducting training needs assessment	HR reports reflecting improved OHS competences among staff
Procurement Manager or equivalent	Ensure goods and services procured meet HSMP provisions	Liaise with H&S Manager and end users to determine OHS specs of required goods and services	Procurement plans bearing OHS specs relating to goods and services
Health and Safety Manager or equivalent	• Ensure compliance with regulations and HSMP provisions • Monitor HSMP performance	• Carry out OHS inspections, trainings. • Communicate OHS information	Risk assessment, inspection, training and induction reports
Workers	• Comply with all OHS measures on site • Report any near misses or incidents and accidents • Report any unsafe working practices	• Worker OHS compliance	-Employee working practices

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