



**MINISTRY OF WATER AND ENVIRONMENT
REPUBLIC OF UGANDA**

LABOR MANAGEMENT PROCEDURES

**UGANDA: INVESTING IN FORESTS AND
PROTECTED AREAS
FOR CLIMATE SMART DEVELOPMENT
PROJECT**

Ministry of Water and Environment
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ABBREVIATIONS

CBO	Community Based Organization
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
GRS	Grievance Redress Service
MWE	Ministry of Water and Environment
NFA	National Forestry Authority
NGO	Non-Governmental Organization
OHS	Occupational Health and Safety
PCU	Project Coordination Unit
PIM	Project Implementation Manual
TSP	Technical Service Provider
UWA	Uganda Wildlife Authority

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1. OVERVIEW OF LABOR USE ON THE PROJECT

Number of Project Workers: The total number of workers to be employed on the project is not known, with the exception of the Project Coordination Unit (PCU) staff. There will be different types of workers: (i) direct workers include the PCU staff which are hired under contract to the project for the duration of the project implementation. There will be 5 PCU staff financed under the project; (ii) contracted workers including firms, non-governmental organizations (NGOs) or community based organizations (CBOs) that will be contracted as Technical Service Providers (TSP) (total of 4 or more TSP contracts) and who will use existing staff already on the payroll; (iii) short-term consultants; and (iv) community workers will also be employed under the project.

Characteristics of Project Workers:

Direct Project Workers: The Project will employ consultants and support staff who are working on a contractual bases as part of the Uganda Investing in Forests and Protected Areas for Climate Smart Development PCU, housed in the Ministry of Water and Environment (MWE). Terms and conditions of these consultants are guided by the Project Implementation Manual (PIM) in adherence with various national labor legislation.

Timing of labor requirements: Direct Project workers are eligible to work on full-time fixed renewable contracts for the duration of the entire project implementation. The duration of contracts will vary by assignment but generally, not less than one year.

Contracted Workers: There are several project activities which will be executed through TSP contracts. These contracts will be advertised and will seek firms, NGOs, CBOs with specific technical expertise. The terms and conditions of these contracts will adhere to the national labor legislations and regulations and be guided by the PIM. The TSP contract model will be used for the following activities: establishment and operation of a performance-based subsidy scheme for commercial timber plantations; establishment of commercial tree nurseries; establishment of beekeeping enterprises; assist women's groups to start business in craft making; agroforestry promotion; woodlot establishment and maintenance; support to establishment of community forests; etc. Terms and conditions of these TSPs are guided by the PIM in adherence with various national labor legislation.

Timing of labor requirements: Contracted workers timing and labor requirements will vary by assignment. They will generally be for a minimum of one year and potentially for several years during project implementation, depending on the TSP contract duration.

Short Term Consultants: The Short-Term consultants will be engaged by the Project to undertake several kinds of short period assignments including to provide additional capacity as required for

procurement, financial management, supervision etc. In addition, short term consultants will be engaged to provide specific technical expertise or to undertake specialized assessments such as environmental and social impact assessments and evaluations, and to develop strategies and plans for fire management and invasive species eradication, tourism product development, etc. These are consultants guided by specific contractual agreements between them and the PCU, MWE, Uganda Wildlife Authority (UWA), or National Forestry Authority (NFA) following the national labor legislation and regulations and guided by the PIM.

Timing of labor requirements: Short Term consultants are engaged for a short-term period of not more than six months and the labor requirement including the time schedule and deliverables are stipulated in their respective contracts.

Community Workers: Local communities will be engaged in a number of project activities including the following: raising seedlings, fire management, invasive species eradication, tree planting, enrichment planting, nursery establishment, trench digging and stone wall building. Terms and conditions of community workers are guided by the PIM in adherence with various national labor legislation. Equal employment opportunities will be extended to Community Workers from Vulnerable and Marginalized Groups (Batwa) and refugees.

Timing of labor requirements: Community workers will be hired by Implementing Agencies or TSP on a short-term basis throughout project implementation.

Government civil servants working in connection with the project, whether full time or part time, will remain subject to the terms and conditions of their existing public sector employment agreement.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities: The project has 3 main components which are implemented primarily in the forest protected areas of the Albertine Rift and on some private and community land. The different activities the project workers will carry-out include the following: Grading and maintenance of tracks and trails, including climate-proofing; boundary planning (including community consultations) and demarcation; construction of fencing and walls to reduce human wildlife conflicts; construction of staff accommodation and ranger posts; development of landscape-level strategies for fire management and eradication of invasive species; training in fire management; establishment and maintenance of fire breaks and procurement of equipment and construction of fire towers for fire detection and suppression; eradication of invasive species; natural regeneration and enrichment planting; community livelihood activities (such as beekeeping and wild mushroom growing); removal of invasive species; forest restoration; construction of visitor centers, visitor gates, tracks, trails, bridges, and board walks; investment in plantation forestry and wood value

chains; investments to support processing and utilization of forest products to produce higher value wood products; capacity building to District Local Governments; development of mixed-use agroforestry systems on household plots; support for woodlots on private land; enhanced management and protection of natural forests on customary, leasehold and freehold land; development and promulgation of community forest regulations; purchase fuelwood for refugees; project management activities.

Key Labor Risks: The key potential labour risks which may be associated with the project include: accident and injuries, safety and health hazards, child labour, forced labour, labour influx into communities (including refugees and associated impacts), gender-based violence, spread of sexually transmitted diseases, sexual harassment, among others. The project will address these risks by providing safety gears and provision of sanitary and waste disposal facilities at each activity site, regular sensitization of workers and communities on such risks and mitigation measures, development and signing of workers' codes of conducted, etc. Adequate occupational health and safety (OHS) provisions will be included in all civil works contracts.

To avoid the risk of accidents at work places, the site will be planned to have description of all important areas including Emergency Assembly Point; additionally, the site will have Sign Boards located in appropriate places, providing information on precautions and appropriate actions to be taken to avoid accidents, including a mandatory requirement to wear protective gears.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Various laws, policies, systems, standards and international codes of practice are applicable to the implementation of this project. The Uganda legislation requirements conform to guidance provided in WB Environmental and Social Framework (ESF) and Environmental and Social Standard 2 (ESS 2). Project workers will be provided with information that is clear and understandable regarding their terms and conditions of employment.

Article 31(b) of **Constitution** (1995) guarantees (inter alia) gender equality and labor rights, and equal opportunity in political, economic, and social activities, including through affirmative action. The Constitution guarantees, in its Objective XIV(a), the right of all Ugandans to (inter alia) freedom of association, the right to collective bargaining, and paid vacation (Chapter Four).

Policies

National Employment Policy (2011) provides a framework to promote productive and decent employment and enterprise development, compliance with labor standards by employers, investors and workers, social protection and social dialogue. Social dialogue, affirmative action, promotion

of gender equality for all in employment, addressing HIV/AIDS in the workplace, and community participation are crucial guiding principles of the Employment Policy.

National Child Labor Policy (2006) provides a framework for addressing child labor and actions that need to be taken to deal with child labor. The policy guides and promotes sustainable action aimed at the progressive elimination of child labor, starting with the worst forms.

National Gender Policy (2007) mainstreams gender concerns in the national development process in order to improve the social, legal/civic, political, economic and cultural conditions of the people of Uganda, particularly women.

National Industrial Policy (2008) provides strategies for OHS.

Labour policies that specifically address Gender and Vulnerability include the 2012 Employment (of Children) Regulations, 2012 Employment (Sexual Harassment) Regulations, National Gender Policy, National Action Plan on Elimination of the Worst Forms of Child Labor in Uganda (2012/13-2016/17), and National Policy on HIV/AIDS and the World of Work (2007).

Laws

The Employment Act (2006) is the main legislation that guides labor practices in Uganda. Terms and conditions provided by this Act include prohibition of child labor, prohibition of forced labor, freedom of association, prohibition of discriminations, employment standards i.e. maximum hours of work, night work standards, right to break during working day, leave and fair terminations including maternity leave, protection of wages, rest and holidays, employment of women, employment of children and care of employees.. The above terms and conditions apply to all employees employed by an employer under a contract of service. The **2012 Regulations of the 2006 Employment Act** prohibit sexual harassment in the workplace.

Worker's Compensation Act 2000 provides for the compensation of works for injuries suffered and diseases incurred in the course of their employment providing clear guidance on the employers' liability in case of injury during work execution.

The Labor disputes (arbitration and settlement act) (2006) also provides for arbitration in labor related grievances and is emphasized during project planning and implementation. The Act seeks to promote social dialogue, facilitate collective bargaining, and modernize procedures to address unresolved or mismanaged labor disputes that may have adverse effects. **The 2011 Employment Regulations** deter employers from the casualization of labor by granting contractual/permanent rights to any worker exceeding four (4) months of service.

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

The Occupational Safety and Health Act, 2006 provides for a written statement of policy with respect to the safety and health of employees while at work and duties of both the employer and the employee. Aspects of cautions like display of safety precautions to any person who may be affected in a manner in which the employer conducts his or her undertaking, reasonable control measures etc., are also of interest.

Measures relating to OSH are for protecting workers from injuries, illness or impacts associated with exposure to hazards encountered in the work place or while working. Such OSH measures include awareness raising and guidance on how to prevent accidents at the work place. This aligns with the requirements of ESS2 and National Laws on OSH and work place conditions. Community Workers under the project will be provided with facilities (protective gears) appropriate to the circumstances of their work as advised by Sector Expert.

5. RESPONSIBLE STAFF

The Ministry of Water and Environment is the Ministry responsible for project accountability, oversight and implementation. There will be a PCU established in the MWE which will take responsibility for general project monitoring. The Project Implementing Agencies are the MWE, UWA and NFA who will directly hire contractors in the form of TSP, short term contractors and community workers. The MWE will hire direct Project workers of the PCU. MWE, UWA, NFA and TSP will be responsible for ensuring that all contracts adhere to the national Labour legislation as well as engaging District Labour Offices in monitoring compliance with Labour Laws. Contractor site/field supervisors will be responsible for daily monitoring of activities to ensure compliance to set legislation and the project Labor Management Procedures; they will be responsible for ensuring that workers are appropriately trained and will serve as a primary contact point for workers grievances.

6. POLICIES AND PROCEDURES

Applicable national legislation that protects workers employed under the project as been identified in section 3 above. In this regard,

- a. Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- b. Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- c. Clear job descriptions will be provided in advance of recruitment and will state the qualifications and skills required for each post.

- d. All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- e. Unskilled labor will be preferentially recruited from the surrounding communities.
- f. Workers will be informed at least two months before their expected release date of the coming termination.
- g. The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- h. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- i. It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
- j. Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

7. AGE OF EMPLOYMENT

The project will employ workers 18 years and older. Age of participants will be verified during the employment process using tools like Voters Registration Card (VRC), and National ID In the circumstances where these documents are not available the Affidavit of Birth will be used.

Awareness raising sessions will be regularly conducted to the communities to sensitize on prohibition and negative impacts of Child and forced Labor as well as procedures for preventing abuse of child Labour. For the Batwa and refugees, separate awareness raising sessions will be organized in a culturally appropriate manner

If a minor under the minimum labour eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

8. TERMS AND CONDITIONS

There are four types of workers in the project: (i) Direct workers and Civil Servants from the PCU and staff at the MWE, UWA and NFA (government authorities) who have contracts that are governed by the various national labor legislations and; (ii) Contract workers; (iii) Short Term Consultants and (iv) Community workers. All workers in the project shall be engaged through negotiated contracts with generally accepted standards and terms and conditions of services applicable to the nature of project activities. The general employment terms and conditions under

this project will be further elaborated in the PIM For community workers hired by UWA and NFA, wages will be paid according to prevailing rates in use by these agencies.

9. GRIEVANCE MECHANISM

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS).

The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

A project-specific gender sensitive **grievance redress mechanism** will be established to respond to any potential complaints and conflicts that may arise during project implementation.

Complaints of direct and contracted workers will be handled in accordance with article 64 of the Employment Act 2006, and the Project Grievances Mechanism. Sensitization sessions will be regularly conducted to the direct, contracted and community workers to sensitize on provisions of article 64 of the Employment Act and Project Grievance Mechanism.

The existing Grievance Redress Mechanism of MWE will be used to receive and handle grievances as provided for in the "The Clients Charter"¹ The Charter states that:

The MWE is committed to providing the best service to its clients in a friendly and courteous manner. The MWE is aware that feedback on their performance and suggestions for improvement can help do better, and these will be taken seriously and dealt with as quickly as possible by an officer of appropriate seniority.

Feedback back be provided to MWE through the following ways:

- a) *Written communication to either:*

¹ https://www.mwe.go.ug/sites/default/files/library/CLIENTS%20CHARTER%202018-2022_0.pdf

*The Permanent Secretary
Ministry of Water and Environment
P. O. Box 20026, Kampala
Telephone: +256 414 50 59 42
Email: ps@mwe.go.ug*

Or

*The Ministry Clients Charter Coordinator / Head of Human Resources in the
Ministry on telephone number +256 414 221 179*

OR

*Hand delivery of feedback to our offices at Plot 22/28, Old Port Bell Road, Luzira,
Kampala. Our offices shall be open from 8.00 a.m. to 5.00 p.m, Monday to Friday,
except during public holidays*

Managing Complaints and appeals

Complaints received by the MWE shall be treated seriously and the following management procedures are guaranteed:

- a) Raising the complaint with the person rendering the service. Through this, MWE clients shall receive responses to the issues raised.*
- b) Where the client will not be satisfied with the response provided, the client shall raise the issue with the relevant supervisor*
- c) On failure to have a response from the supervisor, an appeal will then be raised to the respective head of departments who shall be able to resolve the complaint within five days*
- d) In case the client is not satisfied with the response from the head of department, he or she shall refer the matter to the Permanent Secretary who shall act on it within seven working days from the date of receipt of a written communication on the matter.*

10. CONTRACTOR MANAGEMENT

To ensure sound and time-bound project implementation, the project will employ direct workers, contracted workers, short term consultants through contracts. All employees will be recruited in accordance with the procurement procedures provided in the Project Procurement Manual. However, employment through contracts calls for sound contractor management which shall be realized through proper agreement signing, agreement on key performance indicators and ensuring

that worker related aspects of the project are embedded in contracts. Effort shall be made to ensure that all contractors in the project are as per guidance in ESS2.

Implementing Agencies and TSPs will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labour management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labour management records and reports compiled by contractors. Contractors' labour management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.