

MINISTRY OF HEALTH



REPUBLIC OF KENYA

NATIONAL QUALITY CONTROL LABORATORY



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LABOUR MANAGEMENT PROCEDURE

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ABBREVIATIONS AND ACRONYMS

COVID-19	Coronavirus Disease-2019
DOSHS	Directorate of Occupational Safety and Health Services
E&S	Environmental and Social
EHSG	Environment, Health, and Safety Guidelines
ESF	Environmental and Social Framework
ESIRT	Environmental and Social Incident Reporting Toolkit;
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plans
ESSs	Environmental and Social Standards
FDI	Foreign Direct Investment
GBV	Gender Based Violence
GBVAP	Gender-Based Violence Action Plan
GHG	Greenhouse Gases
GIIP	Good International Industry Practice
GOK	Government of Kenya
GRS	Grievance Redress Service
IPF	Investment Project Financing
KDC	Kenya Development Corporation
NQCL	National Quality Control Laboratory
LMP	Labor Management Procedures

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M&E	Monitoring and Evaluation
NEMA	National Environment Management Authority
NET	National Environment Tribunal
NGO	Non-Governmental Organization
OSH	Occupational Safety and Health
PCTs	Project Coordination Teams
PWD	Persons With Disabilities
SCD	Strategic Country Diagnostic
SEP	Stakeholder Engagement Plan
TA	Technical Assistance
VMG	Vulnerable and Marginalized Groups
WB	World Bank
WBG	World Bank Group
WIBA	Work Injury Compensation Benefit Act

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EXECUTIVE SUMMARY

The National Quality Control Laboratory (NQCL) Labour Management Procedures (LMP) have been developed as a framework for managing labour and working conditions and addressing labour-related risks associated with implementation of the Health Emergency Preparedness, Response and Resilience Project for Eastern and Southern Africa under Phase I of the Multiphase Programmatic Approach (HEPRR Project). The Project is implemented by the Government of Kenya through the Ministry of Health and funded by the World Bank. NQCL is one of the implementing entities supporting delivery of the Project and contributes to its objectives through strengthening pharmaceutical quality control, laboratory capacity, quality assurance of health products, and preparedness and resilience of the health system.

In implementing HEPRR Project activities and carrying out its institutional mandate, NQCL engages various categories of workers, including direct employees and project workers, contracted workers, consultants, laboratory and technical personnel, contractors, suppliers, service providers, and other personnel engaged directly or indirectly in Project implementation. The LMP establishes a structured approach to managing these workers in a manner that promotes fair treatment, non-discrimination, equal opportunity, worker welfare, and a safe and healthy working environment.

The LMP provides procedures and guidance for recruitment and employment, terms and conditions of employment, occupational health and safety, workers' rights and responsibilities, prevention of child and forced labour, non-discrimination and equal opportunity, worker codes of conduct, management of contractors and contracted workers, and worker grievance redress. It is intended to support effective workforce management while preventing and minimizing labour-related risks that may arise during implementation of the HEPRR Project.

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The LMP is aligned with applicable national labour and occupational health and safety legislation and supports compliance with the World Bank Environmental and Social Framework (ESF), particularly the relevant Environmental and Social Standards (ESS), including ESS1 on Assessment and Management of Environmental and Social Risks and Impacts; ESS2 on Labour and Working Conditions; ESS3 on Resource Efficiency and Pollution Prevention and Management; ESS4 on Community Health and Safety; and ESS10 on Stakeholder Engagement and Information Disclosure. These standards provide the framework for identifying and managing labour and associated social risks while promoting fair, safe, inclusive, and responsible Project implementation.

The LMP is organized into key sections addressing the nature and categories of labour to be engaged under the Project; potential labour-related risks; applicable labour legislation and employment conditions; occupational health and safety requirements; roles and responsibilities; relevant labour management policies and procedures; minimum age and prevention of child labour; terms and conditions of employment; worker grievance mechanisms; contractor and supplier management; and other relevant labour management arrangements. Through implementation of these procedures, NQCL demonstrates its commitment to responsible labour practices, protection of workers' rights, compliance with applicable legal and regulatory requirements, and provision of a safe, inclusive, and productive working environment that supports effective implementation of the HEPRR Project.

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1.0 INTRODUCTION

1.1 Overview

The Republic of Kenya (the Borrower), through the Ministry of Health, is implementing the Health Emergency Preparedness, Response and Resilience Project for Eastern and Southern Africa under Phase I of the Multiphase Programmatic Approach (HEPRR Project). The Project is financed by the World Bank under Financing Agreement No. P180127 and is implemented with the involvement of the Kenya BioVax Institute Limited (KBI), National Public Health Institute (NPHI), Pharmacy and Poisons Board (PPB), and National Quality Control Laboratory (NQCL).

The National Quality Control Laboratory (NQCL) plays an important role in supporting the Project objectives through strengthening pharmaceutical quality control and laboratory capacity, including testing and quality assessment of medicines, vaccines, and other health products. Through its technical and laboratory functions, NQCL contributes to strengthening the quality assurance system for health products and enhancing Kenya's preparedness and capacity to respond to public health emergencies.

In accordance with the World Bank Environmental and Social Framework (ESF), this Labour Management Procedure (LMP) has been developed to guide the management of labour and working conditions associated with NQCL's implementation of the HEPRR Project, in particular in accordance with Environmental and Social Standard 2 (ESS2) on Labour and Working Conditions. The LMP sets out the approach to managing labour-related risks and impacts, including terms and conditions of employment, non-discrimination and equal opportunity, workers' rights, occupational health and safety, prevention of child and forced labour, codes of conduct, and grievance redress mechanisms for Project workers.

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This LMP applies to the categories of Project workers engaged by or through NQCL, as applicable under ESS2, including direct workers, contracted workers, consultants, primary supply workers, and other personnel engaged in Project-related activities. It establishes principles and procedures to ensure that workers are treated fairly, provided with safe and healthy working conditions, informed of their rights and responsibilities, and have access to appropriate mechanisms for raising and resolving work-related concerns and grievances.

NQCL shall ensure that implementation of this LMP is consistent with the World Bank ESF and ESS2, applicable national labour and occupational health and safety laws and regulations of Kenya, and other relevant requirements. The LMP shall be implemented alongside other applicable Environmental and Social (E&S) instruments, including the Environmental and Social Commitment Plan (ESCP) and relevant Project-level E&S instruments, and shall be subject to appropriate monitoring, reporting, and periodic review throughout the implementation of the HEP RR Project.

1.2 Purpose and Objectives of the LMP

The purpose of this LMP is to facilitate the identification of different types of workers that are likely to be involved in the NQCL Project and set out the ways in which those workers will be managed in accordance with the requirements of ESS2, Good International Industry Practice (GIIP), and the GOK labor laws.

The LMP will also provide a methodical and coherent approach to dealing with the labor-related issues, impacts and risks likely to emanate from the implementation of this Project whilst facilitating the identification of diverse types of Project workers likely to be involved in the Project. Consistent with ESS2, this LMP seeks to:

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- i. Promote safety and health at work;
- ii. Promote the fair treatment, non-discrimination and equal opportunity of Project workers;
- iii. Protect Project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS);
- iv. Prevent the use of all forms of forced labor and child labor;
- v. Support the principles of freedom of association and collective bargaining of Project workers in a manner consistent with respective national law; and
- vi. Provide Project workers with accessible means to raise workplace concerns.

1.3 Project Description

The HEPRR project has four components and sub-components, namely:

Component 1: Strengthening Capacity for Local Manufacturing;

Component 2: Strengthening Capacity of the National Public Health Institute;

Component 3: Project Management; and

Component 4: Contingent Emergency Response Component (CERC).

NQCL is implementing activities under **Component 1, Sub-Component 1.3(b):** Strengthening Quality Control (QC)/Quality Assurance, which seeks to strengthen the capacity of the National Quality Control Laboratory to support effective quality control and quality assurance of medicines, vaccines, and other health products. The activities are intended to enhance NQCL's laboratory infrastructure, equipment, technical capacity, systems, and operational readiness in line with applicable national, regional, and international quality standards and requirements. Construction and rehabilitation works are expected as part of these activities.

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Implementation of this Sub-Component may involve the engagement of various categories of workers, including NQCL staff and Project workers, consultants, contractors, technical experts, suppliers, service providers, and other personnel engaged in Project-related activities. The implementation of planned activities may also involve laboratory infrastructure development, rehabilitation or improvement works, installation and commissioning of laboratory equipment, technical training, and other activities necessary to strengthen NQCL's quality control and quality assurance capacity.

The Labour Management Procedures (LMP) therefore provide the framework for managing labour and working conditions associated with NQCL's implementation of Sub-Component 1.3(b). The LMP establishes measures to ensure fair and equitable treatment of workers, non-discrimination and equal opportunity, protection of workers' rights, safe and healthy working conditions, prevention of child and forced labour, appropriate management of contracted workers and suppliers, and access to effective worker grievance mechanisms.

The implementation of the LMP shall be guided by applicable Kenyan labour and occupational health and safety laws and regulations and the World Bank Environmental and Social Framework (ESF), particularly Environmental and Social Standard 2 (ESS2) on Labour and Working Conditions. The LMP shall also be implemented alongside other applicable Project Environmental and Social (E&S) instruments, including the Environmental and Social Commitment Plan (ESCP), and shall be subject to monitoring, reporting, and periodic review throughout implementation of the Project.

Through implementation of this Sub-Component, NQCL will contribute to strengthening Kenya's health product quality control system and improving national

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capacity to support health emergency preparedness and response. Effective implementation of this LMP will help ensure that the strengthening of NQCL's QC/QA capacity is undertaken in a manner that protects workers' rights, promotes occupational health and safety, and supports responsible and sustainable Project implementation.

Component 2: Strengthening Capacity of the National Public Health Institute (NPHI) [US\$ 40M]. This component will build on support provided through the Kenya COVID-19 Health Emergency Response Project (CHERP) (P173820) that is funding: (i) development of statutory instruments including organization structure, staff establishment report, and human resources and procedures manual; (ii) strengthening human resources capacity through training, learning exchange programs with a well-functioning equivalent institution; and (iii) development and application of a dedicated Information and Communication Technology system (ICT) which is linked to existing routine health information system among others.

- Strengthening of laboratory testing and genomic surveillance capacity
- Development and deployment of the Electronic Integrated Diseases Surveillance and Response Information System (eIDSR)
- Strategic stockpiles for preparedness and response
- Strengthening cross-border surveillance at Points of Entry (POE)
- Establishment of a system for health workforce surge capacity

Component 3: Project Management; This component concerns project implementation, i.e., planning, organizing, executing, controlling resources (e.g., people, budget, time, etc.), and monitoring to achieve specific goals and objectives of the project.

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Component 4: Contingent Emergency Response Component (CERC). There is a high probability that during the life of this proposed MPA, the country will experience an epidemic or outbreak of public health importance, or other disaster, which causes a major adverse economic and/or social impact (e.g., Ebola), which will result in a request to the World Bank to support mitigation, response, and recovery in the country affected by such an emergency. This CERC is included under the MPA in accordance with the World Bank's Investment Project Financing Policy, paragraph 12, for situations of urgent need of assistance. This will allow for rapid reallocation of Project proceeds in the event of a natural or man-made disaster or health outbreak or crisis that has caused or is likely to imminently cause a major adverse economic and/or social impact.

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2.0 OVERVIEW OF LABOUR USE ON THE PROJECT

2.1 Number of Project Workers

According to the ESS2, project workers are categorized into direct workers, contracted workers, community workers, migrant workers, and primary supply workers. Government civil servants (mostly those who work for the MoH at the national and county levels) and staff from other government ministries, divisions, and agencies (MDAs) who are deployed to provide the project with the necessary technical assistance will also fall under the labor category of direct workers.

While the Employment Act of 2007 as well as several public service laws and Human Resources Manuals will help regulate government workers, consultants will be governed by a set of mutually agreed contracts. The total number of workers to be employed on the NQCL component of the project is estimated at a maximum of 150.

2.2 Project Workers Categorization

The project will have the following categories of workers:

1. **Direct Workers:** The Project will engage the following types of workers as “direct workers”: Project Management Team (PMT): The MoH will establish a PMT to oversee the project. The PMT will have a committed Project Manager (PM) who oversees the overall success of the Project. The PMT will consist of staff with cross-cutting qualifications (such as procurement officers, project accountants, safeguards officers (Environmental and Social), and M&E), with additional staff with the right skill set being assigned as needed. The project will involve numerous GOK employees, including the NQCL CEO,

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deployed employees and staff of various Ministries, Departments and Agencies (MDAs).

2. **Contracted Workers:** This category will include professionals contracted by NQCL and those engaged by third parties, such as contractors, subcontractors, and service providers/consultants required for project implementation, including construction and rehabilitation works and supplies; this includes professionals and support staff provided by the contractor or consultants, as well as any subcontractors or subconsultants assigned to perform the services, in whole or in part. Consultant may also be hired to undertake tasks as required by the institution. Migrant workers may also be contracted by the Project.
3. **Primary supply workers:** workers employed or engaged by primary suppliers, providing goods and materials to the project, over whom primary suppliers exercise control for the work, working conditions, and treatment of the workers.

2.2.1 Age of Employment

The minimum employment/work age set by the implementing agencies as required by Kenyan law is 18 years old, and it will be one of the conditions of the contracts involving child labor. Employees' ages must be verified and documented prior to being hired. The National ID Card (ID) or the passport will be used as a general method of age verification. To engage VMGs such as persons with disability, women, and youth, who might not have ID cards or passports, a verification from a reputable local leader is sufficient.

Violation or breach of the national standard on child labor may result in termination of the contractor's contract.

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2.3 Estimated Number of Workers per Category

Table 1. Worker Category, Description, Estimated Numbers and Timing

Category	Description	Number	Mode of engagement	Timing
Direct workers	PCT Staff	11	Full time	All Project phases
	NQCL Staff	80	Full time	All Project phases
Contracted workers	Contractors/sub-contractors, Consultants/ sub-consultants, and their support staff	15	Temporary	All Project phases
Primary workers	Engaged by primary suppliers, providing goods and materials to the project, over whom primary suppliers exercise control	20	Temporary	All Project phases

Workforce requirement: the workforce requirement at different levels will be determined by the scope of the project activities, which is variable over time.

Direct workers who may be engaged as additional staff will need to be contracted in line with the requirements of ESS2 in relation to Labor and working conditions, non-

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discrimination and equal opportunities, and occupational health and safety. All contractors and sub-contractors that will be involved in this project will adhere to the legal frameworks of both the GoK and the WB's provisions of ESS2.

Gender will be mainstreamed into the project implementation. This LMP will apply to all Project workers including full-time, part-time, migrant, temporary and seasonal. Although international consultants may be recruited to offer specific services, their conditions of engagement will be as contained in their contracts and TORs.

2.4 Communication Mechanism

NQCL shall establish clear, accessible, and timely communication mechanisms to ensure that all project workers are adequately informed about their terms and conditions of employment, occupational health and safety requirements, workers' rights and obligations, codes of conduct, and applicable labour laws. Communication shall be undertaken through appropriate channels, including induction and orientation sessions, staff meetings, notice boards, emails, circulars, training sessions, and other suitable means. Information shall be provided in languages and formats that workers can easily understand, taking into consideration literacy levels and the needs of vulnerable workers.

The communication mechanism shall also facilitate two-way communication, enabling workers to raise questions, provide feedback, and report concerns relating to working conditions, discrimination, harassment, occupational health and safety, wages, working hours, or other employment matters without fear of retaliation. Workers shall be informed of the available Grievance Redress Mechanism (GRM), including how and where complaints can be submitted, the responsible persons or offices, confidentiality provisions, and expected response timelines. Management shall ensure that grievances and feedback are documented, assessed, and addressed promptly and fairly, with appropriate follow-up and communication of outcomes to the affected workers.

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3.0 BRIEF OVERVIEW OF LABOUR LEGISLATION: TERMS AND CONDITIONS

3.1 Terms and Conditions

Kenya has an elaborate legal framework on matters of labor and working conditions. The Constitution of Kenya provides several relevant clauses, including *Article 2*, which recognizes ratified treaties as part of the laws of Kenya. *Article 41* (on *Labor Relations*) addresses the entitlements and guarantees accorded to workers, employers and the unions, and exercisable by them within Kenya's employment regime. These entitlements are anchored on key human rights and freedoms including the right to human dignity in *Article 28*; freedom from all forms of slavery, servitude and forced labor in *Article 30*; and the right of everyone to have their privacy respected as provided for in *Article 31*. *Article 27* on non-discrimination provides for equality and prohibits discrimination on various grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.

The *Employment Act*, 2007, is Kenya's codifying legislative enactment on the laws governing employment. It addresses itself to regulating the tripartite relationship that exists between the employers, employees and the government, including the State's mediator role in safeguarding the entitlements of both parties. The *Act*, which has been amended several times, defines the fundamental rights of employees, and provides basic conditions of employment for employees, including the regulation of employment of children. As such, this *Act* most closely aligns with essential imperatives that are evident in the ESS2 of the World Bank. The *Act* has a single subsidiary legislation titled the *Employment (General) Rules*, 2014, that largely expounds on the terms and conditions of work - aside from other procedural aspects - with an entire schedule outlining the minimum rights bestowed upon employees, and

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another dedicated to the requisite elements of the *Policy Statement on Sexual Harassment*.

The *Employment Act, 2007*, addresses the employer-employee power-dynamic, focusing on the employer-employee engagement from the insular perspective of a direct contractual arrangement between the two parties. The assumption is that all persons who fit the descriptions of ‘employer’ and ‘employee’ are governed by this law, including those implementing development projects.

The law has different approaches to defining the categories of employees, such as by nature and period of the employee-engagements. The categories include casual employees (who are not engaged for a longer period than *24 hours* at a time), part-time, full-time employees, piece work (where the focus is the amount of work performed irrespective of the time occupied in its performance) and employees with probationary contracts (which address the formalities and length of the probationary period). In addition, the Act provides for the minimum terms and conditions of employment of an employee and grounds upon which a contract may be nullified. This is intended to discourage any arrangements that seek to undermine the statutory standards. It is notable that the national laws are aligned to the requirements of ESS2.

Applicable international instruments in Kenya include the International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD); the Convention on the Rights of the Child, 1990 (CRC); the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990 (ICRMW); the Convention on the Rights of Persons with Disabilities (CRPD); and the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW).

The instruments of the International Labor Organization (ILO) applicable in Kenya include:

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- a. Freedom of Association and Protection of the Right to Organize (ILO Convention 87);
- b. The Right to Organize and Collective Bargaining (ILO Convention 98);
- c. Forced Labor (ILO Convention 29);
- d. The Abolition of Forced Labor (ILO Convention 105);
- e. Minimum Age (of Employment) (ILO Convention 138); and
- f. Discrimination (Employment and Occupation) (ILO Convention 111).

3.2 Applicable National Legislation

NQCL shall implement this Labour Management Procedure (LMP) in compliance with the following laws and policy instruments of the Republic of Kenya:

i. Constitutional Provisions

Constitution of Kenya, 2010: Article 10 – National Values and Principles of Governance; Article 27 – Equality and Freedom from Discrimination; Article 41 – Labour Relations; Article 42 – Right to a Clean and Healthy Environment; Article 47 – Fair Administrative Action; Article 54 – Rights of Persons with Disabilities; Article 55 – Rights of Youth; Article 232 – Values and Principles of Public Service.

ii. Labour and Employment Legislation

Employment Act, 2007; Labour Relations Act, 2007; Labour Institutions Act, 2007; Occupational Safety and Health Act, 2007; Work Injury Benefits Act, 2007; Persons with Disabilities Act, 2003; National Cohesion and Integration Act, 2008; Public Service (Values and Principles) Act, 2015; Data Protection Act, 2019; HIV and AIDS Prevention and Control Act, 2006; Sexual Offences Act, 2006.

iii. Public Sector and Governance Instruments

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Public Service Commission of Kenya Human Resource Policies and Procedures Manual; Salaries and Remuneration Commission advisories; National Gender and Equality Commission guidelines; National Council for Persons with Disabilities regulations and reporting requirements; Ethics and Anti-Corruption Commission integrity guidelines.

iv. Institutional Policies

NQCL Occupational Safety and Health standard operating procedures; Grievance Handling Procedure; Civil Service Code of Conduct and Ethics; Security and Emergency Preparedness standard operating procedures.

3.3 Occupational Safety and Health

The Occupational Safety and Health Act (OSHA) governs workplace safety and health. The law provides for *“the safety, health and welfare of workers and all persons lawfully present at workplaces and establishes the National Council for Occupational Safety and Health”*. This law is broadly concerned with potential hazards to persons in the workplace. These concerns would likely remain the same if there’s only one individual likely to be affected; and thus, the standards set under the Act are largely focused upon the environmental risks to persons at the workplace. Part VI (on Health-General Provisions), Part VII (on Machinery Safety), Part VIII (on Safety-General Provisions), Part IX (on Chemical Safety), Part X (on Welfare General Provisions), Part XI (on Health, Safety and Welfare – Special Provisions) and Part XII (on Special Applications) provide for different occupational safety and health scenarios (in detail), with the intent of allowing for the management of the intended and unintended safety and health consequences that may be brought by potential hazards.

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

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

- i. The National Occupational Safety and Health Policy, 2012;
- ii. Occupational Safety and Health Act, 2007;
- iii. Work Injury Benefits Act, 2007;
- iv. HIV/ AIDS Prevention and Control Act, 2006;
- v. WBG ESF; and
- vi. WBG General EHS Guidelines.

Table 3 provides a summary of the key regulations in Kenya and their relevance to this project.

Table 2: Regulatory Framework

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Sr. No.	Legislation	Provision	Relevance/Measures
1.	Public Health Act (Cap 242) revised 2012	Part III of the Public Health Act provides for the protection of human health through prevention and guarding against the introduction of infectious diseases into Kenya from outside, to promote public health and prevention, limitation or suppression of infectious, communicable or preventable disease within Kenya. The Public Health - Prevention, Control and Suppression of Covid-19 Rules, 2020 provide additional regulatory requirements to this part.	Project activities may expose the workers to communicable diseases. NQCL will develop protocols to educate the staff on risks of infection and the control measures. It will also make provisions for support for workers who get infected while on duty.

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2.	Work Injury Benefits Act, 2007	This Act provides for compensation to employees for work-related injuries and diseases contracted in the course of their employment and for connected purposes.	NQCL shall comply with Part II of this Act about obligations of the employer, including compensation for temporary, total or partial disablement, treatment as well as provision of first aid services to workers.
3.	Occupational Safety and Health Act, 2007	This is an Act of Parliament to provide for the safety, health and welfare of all workers and all persons lawfully present at workplaces. It applies to all workplaces where any person is at work, whether temporarily or permanently.	NQCL will put in place safety and health measures to ensure workers are not exposed to safety and health risks during both project planning and operational phases.
4.	HIV/AIDS Prevention and Control Act, 2006	Part 11 Section 7 requires HIV and AIDS education in workplaces; specifically, provision of basic information and instruction on HIV/AIDS prevention and control.	NQCL will create awareness among employees on issues related to HIV/AIDS. It will produce posters/flyers to be shared with all employees and pasted at workplaces.

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5.	Gender-based Violence and SEA/SH (GBV/SEA/SH)	i. Abuse by workers, normalization of GBV stigma led to non-reporting, poverty forces women/girls to engage in transactional sex. ii. There is a lack of access to services to address SEA/SH, stigma, and corruption. iii. Several Acts exist that provide protection against GBV/SEA/SH, including: • Sexual Offences Act, 2006 • Penal Code • HIV/AIDS Prevention and Control Act, 2000 • Protection Against Domestic Violence Act, 2015 • Prohibition of Genital Mutilation Act, 2011. • National Gender and Equality Act, 2011	The project activities may expose workers to sexual harassment at the workplace and other forms of GBV/SEA/SH. NQCL will ensure that: • All workers sign the CoC. • All workers are trained on GBV/SEA/SH. • All workers are informed about the workplace GRM and the Project GRM.
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6.	Grievance redress mechanism	Issues to do with grievances are addressed in various legal documents including: • Employment Act in Part XII • Employment and Labour Relations Court Act • Labour Relations Act	• NQCL will establish a workplace GRM that will address all matters related to the project. Information on the GRM will be part of the induction process.

3.4 Labour Inspectorate

Kenya's Ministry of Labour and Social Protection oversees a dual system of inspection covering general labour inspection (Labour Department) and occupational safety and health [Directorate of Occupational Safety and Health Services (DOSHS)]. The DOSHS is responsible for enforcing two pieces of legislation: (i) the OSHA, 2007, and (ii) the WIBA, 2007. The monitoring and enforcement of the Employment Act and the Industrial Relations Act (2007) is the responsibility of the Labour Department. The Employment Act applies to all employees employed by any employer under a contract of service and excludes the armed forces, police, prison service, the National Youth Service and family undertakings. The OSHA applies to all workplaces where any person is at work, whether temporarily or permanently. All labour officers within the Ministry have the capacity of labour inspectors and can resolve labour disputes.

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4.0 ASSESSMENT OF KEY POTENTIAL LABOUR RISKS

Potential risks are those related to labour and working conditions, such as work-related discrimination, Sexual Exploitation and Abuse/Sexual Harassment (SEAH) and Occupational Safety and Health (OSH) risks. NQCL will assess and address these risks by developing recruitment guidelines, procedures and appropriate OSH measures and applying relevant provisions of the Employment Act, 2007, public service regulations and HR manual. The following are the key labour risks anticipated during the implementation of the project.

4.1 Occupational Safety and Health (OSH) Risks

Some of the OSH risks for the project involving civil works are manual handling of materials and equipment, falls from heights, burns, electrocution, injuries, and dust from construction. There are also risks of disease infections for all workers engaged in project activities and possible mental health disorders/illnesses emanating from project-related stress and burnout.

The preparation of Site-Specific Environmental Social Management Plans (ESMPs) will include Environmental Health and Safety Management plans that will detail how these risks will be managed for the project, guided by these ESIA and ESMPs. The ESMP will be included in the bidding documents for contractors. Contractors will need to prepare and apply a C-ESMP that includes site-specific risks and hazard assessment and OSH measures. Relevant OSH plans/measures will be developed and applied for the construction phase and the operation and maintenance phase of the project.

To protect workers at NQCL, the E&S personnel shall ensure that protocols for regular disinfection of public rooms, equipment, tools, and waste are in place and followed. The

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design, construction, and operation of the project activities shall follow the national legal requirements, the WBG EHSGs, and other good international industry practices related to OSH hazard assessments. Relevant OSH plans/measures will be developed and applied for the construction phase and the operation and maintenance phase.

4.2 Sexual Exploitation and Abuse/ Harassment

NQCL will ensure that all project activities are carried out in accordance with the guiding acts and regulations prohibiting any form of Sexual exploitation and abuse/ harassment (directly/indirectly) against an employee to guarantee equal opportunity and non-discrimination among workers employed/engaged under all employment categories. Additionally, contractors and subcontractors will be encouraged to: support equal opportunities for women and men, with a focus on equal criteria for selection, compensation, and promotion and equal application of these criteria; put in place measures to prevent harassment of project workers, including sexual harassment in the workplace; and, if migrant workers are employed, implement appropriate measures to prevent any discriminatory treatment towards them.

4.3 Child and Forced Labor

Even though the risk is low (given the hiring standards for all government positions), it could still materialize due to contracted labor at construction sites. Every contract will compel contractors, including third parties, to commit to not using child or forced labor. In addition, NQCL will keep track of and report on whether the contractors are abiding by ILO Conventions 105, 138, and 182 on the prohibition of child and forced labor, as well as the World Bank ESS2.

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To prevent employing or engaging children under the age of 18, there will be documentation and verification of age prior to the employment or engagement of a project worker and kept in a file; capacity building and awareness creation to communities; signing of individual contracts; use of the project grievance management; monitoring risks and remedying them.

4.4 Labor Disputes over Terms and Conditions of Employment

Demand for limited employment opportunities, labor wages/rates and payment delays, disagreement over working conditions and health and safety issues at work are all likely causes of labor disputes. Additionally, there is a chance that the employer will retaliate against employees who complain about unsafe or unhealthy working conditions, demand fair working conditions, or raise any other grievances; in such cases, there may be labor unrest and work stoppages. NQCL will carry out the LMP's policies and procedures which outline how project personnel will be managed in conformity with national legal requirements, ESS2, ESS4, and other applicable WB ESF standards. The procedures specify how the labor laws will be applied to various project worker categories, how third parties will manage their workforces, and how employees will be given a formal channel through which to voice complaints about their working conditions and contract terms. additionally, NQCL shall not employ workers on voluntary unpaid terms.

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4.5 Discrimination and Exclusion of Vulnerable Groups

Vulnerable groups include marginalized communities, youth, women, and people with disabilities (PWDs). NQCL will ensure these vulnerable groups are given equal opportunity to access Project-related employment and other opportunities.

The safety and well-being of the most vulnerable workers and the local populations could also be compromised by sexual harassment and other abusive behavior on the part of employees or management, which would also have a negative impact on the success of the project. NQCL shall take appropriate measures to protect their safety, dignity, and well-being and to prevent discrimination, sexual harassment, exploitation, abuse, and other inappropriate conduct. Appropriate reporting and grievance mechanisms shall be available to ensure that concerns are addressed fairly, confidentially, and without retaliation.

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
1.	Non-compliance of employers with terms and conditions of employment	i. Provide project workers with information and documentation that is clear and understandable regarding their terms and conditions of employment; for illiterate workers, simplified language will be used, and the officer in charge will read the terms and conditions to them and request them to specify if they require further clarification. Moreover, all important

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		advice will be provided to all workers, as necessary. ii. The information and documentation shall include any applicable collective agreements, including their rights related to hours of work, wages, overtime, compensation, and benefits, as well as those arising from the requirements of ESS2. iii. This information and documentation shall be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur. iv. The project shall also have GRMs for project workers (direct workers and contracted workers) to promptly address their workplace grievances and concerns. v. All workers will be provided with written contracts.
2.	Labor influx and related risks (including spread of diseases among workers and the nearby communities)	i. To reduce labour influx, NQCL will require all contractors to employ unskilled and semi-skilled workers at the local level and through the local administrators. ii. NQCL will ensure that Individual Codes of Conduct (CoC) are signed by project direct workers and all contracted workers; iii. Conduct sensitization on communicable diseases, safe

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Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		sexual behaviours and proper use of condoms and contraceptives. iv. Workers will be required to use appropriate PPEs (such as helmets, gloves and masks).
3.	Occupational Health and Safety from construction activities.	NQCL will ensure the following are met: i. The contractor shall provide the workers with the required Personal Protective Equipment (PPEs) and always enforce their use while at the work site; ii. The construction equipment used in the works will be routinely serviced to ensure proper and safe equipment functionality; The contractor will carry out job risk assessment for all project workers (e.g., analysis of likely hazards and precautions required during project construction, operation and maintenance phase) before executing the assignment; and prepare and implement a Contractor Environmental and Social Management Plan (C-ESMP) that will include, among other things, the mitigation measures for identified risks, responsibilities and monitoring plan; iii. Effective construction site management and access control for visitors and intruders by fencing/

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		barricading, signage, manned posts, etc. iv. Provision and use of safety signage e.g., “MEN/WOMEN AT WORK” to warn the public and the workers on the construction site, and other signages based on types of OSH risks to both workers and communities for the project; v. Communication of risks to workers, contractors' staff and the community; vi. Hazardous areas will be clearly marked with signs easily understood by workers, visitors and the public, as appropriate; vii. Electrical works will be performed by trained and qualified experts; iii. Electrical equipment will be properly connected before switching on sockets; ix. Use of competent drivers with defensive driving techniques with a valid driver's license; x. Only roadworthy (regularly serviced as per manufacturer's specifications) vehicles and trucks shall be used in transportation of materials to avoid frequent breakdowns and risks of road accidents;

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		xi. In case of any spillage, for example oil and hazardous substances at working areas, the xii. contractor and operator must clean the spillage immediately; a post-slip hazard warning should be used when mopping floors to reduce chances of slips and falls; iii. All visitors shall be required to fill a visitors' form providing all personal details and purpose of the visit. A data file with information regarding visitors will be recorded and kept by SHE personnel; iv. Implementation of individual CoC to be signed by project workers and enforced by all contractors. xv. First aid kits, training on first aid, and qualified first aiders will be provided on site vi. Developing and implementing emergency response plans (ERP) vii. Developing, adopting and sensitizing standard operating procedures and guiding working at heights, lifting operations, excavations, etc.
4.	Discrimination of employment based	NQCL will ensure that: i. Hiring of project workers shall be based on the

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	on gender, disability or ethnicity	principle of equal opportunity and fair treatment; ii. No discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices; iii. The Individual CoC containing provisions on discrimination to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation, including sexual exploitation and harassment. Reasonable sanctions for breach of the Individual CoC and related contractual obligations need to be included. iv. Provision of a wellness centre and lactation room. Contractors shall provide appropriate sanitation facilities at the workplace and appropriate PPEs for all genders and persons with disability.
5.	Risks of Gender-Based Violence (GBV) incidences	NQCL will ensure that: i. The project and the project staff implement a GBV/SEA/SH management plan.

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	including Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)	ii. The project's Social Specialist will work with service providers to mitigate SEA/SH related risks and provision of aftercare services; iii. Communities are sensitized on GBV/SEA/SH and the referral pathways. iv. All project personnel should be trained on GBV/SEA/SH; v. The CoC containing provisions on GBV/SEA/SH to be signed by all workers aimed at preventing and addressing harassment, intimidation and/or exploitation. vi. Violating the CoC can have serious consequences for Project workers, e.g., disciplinary action under Kenya's employment law, including termination of employment, or claims for compensation by the Project or third parties. If violating this Code of Conduct also constitutes a criminal offence, such violation may also result in criminal proceedings, which could lead to the employee being fined or imprisoned.

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6.	Likely incidences of Child labor or forced labor at sub-projects	NQCL will ensure: i. All vacancy advertisements will clearly prescribe that child labor is not permitted and persons to be employed must meet the minimum age as prescribed in the Employment Act, 2007. ii. Sensitize beneficiaries/contractors on child labour policy and on negative impacts of child labor; iii. Certification of laborers' age (using National Identification Card, Voters Registration Card, iv. Birth Certificate or affidavit of birth in employment of workers); v. Ensure that contractors and primary suppliers have and implement a Child Labor Policy to deter vi. Employment and abuse of children in the project. Include consequences of breaching the conditions, including the possible termination of the contract. vii. Engage with labour inspectors/ ministry of labour to ensure effective enforcement of national labour legislation, provide advice and information to help meet legal requirements including compliance with the Employment Act, 2007; Enhanced monitoring of implementation and

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		compliance.
7.	Risks related to occupational health and safety, e.g., general facility design and operation.	NQCL shall ensure that: - Preventive and protective measures are introduced according to the following order of priority: - Eliminating the hazard by removing the activity from the work process. Examples include substitution with less hazardous chemicals, using different manufacturing processes, etc; - Controlling the hazard at its source through use of engineering controls. Examples include local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc; - Minimizing the hazard through design of safe work systems and administrative or institutional control measures. Examples include job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc. - Providing appropriate personal protective equipment (PPE) in conjunction with training, use, and maintenance of the PPE.

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		ii. Integrity of Workplace Structures a) Surfaces, structures, and installations shall be easy to clean and maintain, and not allow for accumulation of hazardous compounds. b) Buildings shall be structurally safe, provide appropriate protection against climate, and have acceptable light and noise conditions. c) Fire-resistant, noise-absorbing materials shall be used for cladding on ceilings and walls. d) Floors should be level, even, and non-skid. e) Heavy oscillating, rotating, or alternating equipment should be in dedicated buildings or f) structurally isolated sections. iii. Severe Weather and Facility Shutdown a) Workplace structures shall be designed and constructed to withstand the expected elements for the region and have an area designated for safe refuge, if appropriate. b) Standard Operating Procedures (SOPs) will be developed for the project and will include an

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		emergency response plan and an evacuation plan to be developed and implemented by PMT and contractors. Drills to practice the procedure and plan should also be undertaken annually. iv. Workspace and Exit a) The space provided for each worker, and in total, should be adequate for safe execution of all activities, including transport and interim storage of materials and products. b) Passages to emergency exits should always remain unobstructed. Exits will be clearly marked to be visible in total darkness. Provide sufficient number and capacity of emergency exits for safe and orderly evacuation of the greatest number of people present at any time, and ensure a minimum of two exits from any work area. c) Ensure inclusion in infrastructure design; facilities shall be designed and built considering the needs of disabled persons. v. Fire Precautions

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		a) Ensure workplace design prevents fires through the implementation of applicable fire codes in industrial settings. Other essential measures include: b) Equipping facilities with fire detectors, alarm systems, and fire-fighting equipment. The equipment will be serviced regularly, maintained in good working order, and readily accessible. It should be adequate for the dimensions and use of the premises, equipment installed, physical and chemical properties of substances present, and the maximum number of people present. c) Provision of manual firefighting equipment that is easily accessible and simple to use. d) Install fire and emergency alarm systems that are both audible and visible. e) Regular fire drills. vi. Lavatories and Showers a) Adequate lavatory facilities (toilets and washing

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		areas) provided for the number of people expected to work in the facility and allowances made for segregated facilities, or for indicating whether the toilet facility is “In Use” or “Vacant”. Toilet facilities should also be provided with adequate supplies of running water, soap, and hand drying devices. b) Where workers may be exposed to poisonous substances by ingestion and skin contact, facilities for showering and changing into and out of street and work clothes will be provided. Standard operating procedures for laboratory testing and a waste management plan will be developed and implemented. vii. Potable Water Supply a) Adequate supplies of potable drinking water will be provided from a fountain with an upward jet or with a sanitary means of collecting the water for the purposes of drinking. b) Water supplied to areas of food preparation or for the purpose of personal hygiene (washing or bathing) shall meet drinking water quality

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		standards. viii. Clean Eating Area Where there is potential for exposure to substances poisonous by ingestion, suitable arrangements are to be made for provision of clean eating areas where workers are not exposed to the hazardous or noxious substances. ix. Lighting Workplaces shall be well lit with natural light and be supplemented with sufficient artificial illumination to promote workers' safety and health and enable safe equipment operation. Supplemental 'task lighting' may be required where specific visual acuity requirements will be met. a) Emergency lighting of adequate intensity shall be installed and automatically activated upon failure of the principal artificial light source to ensure safe shut-down, evacuation, etc. x. Safe Access a) Passageways for pedestrians and vehicles within and outside buildings shall be segregated and provide for easy, safe, and appropriate access. b) Equipment and installations requiring servicing,

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		inspection, and/or cleaning shall have unobstructed, unrestricted, and ready access. c) Hand, knee, and foot railings will be installed on stairs, fixed ladders, platforms, permanent and interim floor openings, loading bays, ramps, etc. d) Openings will be sealed by gates or removable chains. e) Covers will be installed to protect against falling items. f) Ensure adequate measures to prevent unauthorized access to dangerous areas are in place and implemented. xi. First Aid a) Ensure qualified first aid can always be provided. Appropriately equipped first-aid stations will be established and made accessible throughout the place of work. Eye-wash stations and/or emergency showers will be provided close to all workstations where immediate flushing with water is the recommended first-aid response. b) Where the scale of work or the type of activity being carried out so requires, dedicated and appropriately

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		equipped first- aid room(s) will be provided. First aid stations and rooms will be equipped with gloves, gowns, and masks for protection against direct contact with blood and other body fluids. c) Remote sites will have documented emergency procedures for dealing with cases of trauma or serious illness up to the point at which patient care can be transferred to an appropriate medical facility. d) Provide emergency contacts and procedures for dealing with incidents. xii. Work Environment Temperature The temperature in work, rest room and other welfare facilities will, during service hours, be maintained at a level appropriate for the purpose of the facility.
Operations Phase E&S Risks and Impacts		
8.	Other OSH impacts and risks from operations of beneficiary enterprises or businesses.	xiii. Exposure to hazardous materials and waste a) Replacement of the hazardous substance with a less hazardous substitute b) Implementation of engineering and administrative control measures to avoid or minimize the release of hazardous substances into the work environment, keeping the level of exposure below internationally

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		established or recognized limits. c) Keeping the number of employees exposed, or likely to become exposed, to a minimum. d) Communicating chemical hazards to workers through labeling and marking according to national and internationally recognized requirements and standards, including the International Chemical Safety Cards (ICSC), Materials Safety Data Sheets (MSDS), or equivalent. Any means of written communication should be in an easily understood language and be readily available to exposed workers and first-aid personnel. e) Training workers in the use of the available information, safe work practices, and appropriate use of PPE xiv. Fire and explosions a) Storing flammables away from ignition sources and oxidizing materials. Further, the flammables storage area should be: • Remote from entry and exit points into buildings. • Away from facility ventilation intakes or vents

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		• Have natural or passive floor and ceiling level ventilation and explosion venting. • Use spark-proof fixtures. • Be equipped with fire extinguishing devices and self- closing doors and constructed of materials made to withstand flame impingement for a moderate period. b) Providing bonding and grounding of, and between, containers and additional mechanical floor level ventilation if materials are being, or could be, dispensed in the storage area. c) Where the flammable material is mainly comprised of dust, providing electrical grounding, spark detection, and, if needed, quenching systems d) Defining and labeling fire hazards areas to warn of special rules (e.g., prohibition in use of smoking materials, cellular phones, or other potential spark generating equipment) e) Providing specific worker training in handling of flammable materials, and in fire prevention or suppression f) Installation of smoke alarms and sprinkler systems;

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		g) Maintenance of all fire safety systems in proper working order, including self-closing doors in escape routes and ventilation ducts with fire safety flaps; h) Training of staff for operation of fire extinguishers and evacuation procedures; i) Development of facility fire prevention or emergency response and evacuation plans with adequate guest information. j) Regular fire safety audits k) Regular fire drills. xv. Ergonomics, Repetitive Motion, Manual Handling a) Use of mechanical assists to eliminate or reduce exertions required to lift materials, hold tools and work objects, and requiring multi-person lifts if weights exceed thresholds. b) Selecting and designing tools that reduce force requirements and holding times and improve postures. c) Providing user adjustable workstations. a) Incorporating rest and stretch breaks into work processes and conducting job rotation. d) Implementing quality control and maintenance

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		programs that reduce unnecessary forces and exertions. e) Taking into consideration additional special conditions such as left-handed persons. xvi. Personal Protective Equipment (PPE) a) Ensure access and active use of PPE to reduce hazards or exposure. b) Identification and provision of appropriate PPE that offers adequate protection to the worker, co-workers, and occasional visitors. c) Proper maintenance of PPE, including cleaning when dirty and replacement when damaged or worn out. Proper use of PPE should be part of the recurrent training programs for employees. d) Selection of PPEs based on the hazard and risk ranking, and according to established criteria on performance and testing.

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5.0 POLICIES AND PROCEDURES

5.1 Occupational Safety and Health (OSH)

NQCL is committed to providing a safe and healthy working environment for all direct workers, contracted workers and primary supply workers as well as visitors.

5.1.1 OSH Management Measures

NQCL shall:

- i. Conduct workplace risk assessments before commencement of project activities;
- ii. Establish and operationalize Occupational, Safety and Health Committees as required under the Occupational Safety and Health Act;
- iii. Provide appropriate Personal Protective Equipment (PPE);
- iv. Conduct safety induction and periodic training;
- v. Maintain first aid facilities and trained first aiders;
- vi. Provide fire detection, firefighting, and evacuation equipment;
- vii. Undertake annual statutory inspections and audits;
- viii. Ensure safe handling and disposal of laboratory materials and biomedical waste;
- ix. Implement biosafety and biosecurity protocols in vaccine and biologics manufacturing and research environments;
- x. Provide occupational medical surveillance where required.

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5.1.2 Incident Reporting

All accidents, near misses, dangerous occurrences, occupational illnesses, and security incidents shall be reported immediately to supervisors and recorded using prescribed forms. Statutory reporting to the Directorate of Occupational Safety and Health Services (DOSHS) shall be undertaken within legally prescribed timelines.

Serious incidents shall also be reported to the World Bank in accordance with Environmental and Social Incident Reporting requirements.

5.2 Labour and Safety Risks and Mitigation Measures

NQCL has identified the following key labour and occupational health and safety risks that may arise during implementation of the HEPRR Project and has developed comprehensive mitigation measures aligned with the World Bank Environmental and Social Standard 2 (ESS2), Kenyan labour laws, and international good practice.

Table 5. Summary table of the risks, mitigations and applicable policies and procedures

Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
1.	Compliance with Terms and Conditions of Employment	All project workers will receive clear and understandable written contracts detailing their terms and conditions of employment, including wages, benefits, working hours, and grievance procedures. Worker grievance

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Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		mechanisms will be established to address workplace concerns promptly and fairly.
2.	Labour Influx and Community-Related Risks	To minimize labour influx and associated social risks, including the spread of communicable diseases, contractors will be required to prioritize recruitment of local unskilled and semi-skilled labour. All workers will sign Codes of Conduct and receive sensitization on health, safety, and responsible behaviour.
3.	Occupational Health and Safety during Construction Activities	Construction-related risks will be managed through strict occupational health and safety measures, including provision and mandatory use of personal protective equipment (PPE), site fencing, warning signage, risk assessments, emergency response plans, first aid facilities, and regular equipment maintenance.
4.	Non-Discrimination and Equal Opportunity	Recruitment and employment practices will be based on merit and equal opportunity, without discrimination based on gender, disability, ethnicity, or other protected characteristics. Reasonable accommodation, gender-sensitive

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Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
		facilities, and accessible workplace infrastructure will be provided.
5.	Prevention of Gender-Based Violence, Sexual Exploitation and Abuse, and Sexual Harassment	The project will implement a robust GBV/SEA/SH prevention framework, including Codes of Conduct, worker training, community sensitization, confidential reporting channels, referral pathways, and enforcement of disciplinary and legal sanctions where violations occur.
6.	Prevention of Child Labour and Forced Labour	NQCL will enforce strict age verification procedures and prohibit employment of children and any form of forced labour. Contractors and suppliers will be required to adopt and implement child labour policies, with enhanced monitoring and enforcement through labour inspections.
7.	Occupational Safety and Health in Facilities and Operations	Comprehensive OSH measures will be applied to project facilities and operations, covering workplace design, fire safety, emergency preparedness, potable water, sanitation, first aid, safe access, lighting, temperature control, and accessibility for persons with disabilities.

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Item	Description of the risk/impact as identified in ESS2	Proposed risk mitigation measures
8.	Operational Risks in Beneficiary Enterprises and Business Activities	Additional controls will address exposure to hazardous materials, fire and explosion hazards, ergonomic risks, manual handling, and appropriate use and maintenance of PPE. Workers will receive regular training on safe work practices and emergency procedures.

The HEP RR NQCL Project will be implemented under a robust labour management framework that promotes fair employment practices, protects worker health and safety, prevents discrimination and abuse, and ensures full compliance with Kenyan legislation and World Bank ESS2 requirements. Continuous monitoring, training, grievance handling, and contractor oversight will be used to maintain a safe, inclusive, and legally compliant working environment throughout the project lifecycle.

5.3 Reporting and Monitoring

NQCL shall be required to monitor and provide a quarterly report on the progress of the policies, processes and the project's labor and OSH performance to PCT who will provide a quarterly report to the World Bank. However, in the case of accidents or incidents, NQCL is required to notify the World Bank within 48 hours. In response to mishaps or accidents connected to the project, corrective measures must be taken. For creating and implementing additional remedial actions, NQCL or, as appropriate, a consultant, may perform a root cause analysis and implement corrective and preventive actions.

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5.4 General Project Policies

NQCL shall apply the following general labour management policies in the implementation of the Health Emergency Preparedness, Response and Resilience (HEPRR) Project, consistent with the World Bank Environmental and Social Standard 2 (ESS2), applicable Kenyan legislation, and NQCL internal human resource policies.

These policies are intended to ensure that all project workers are recruited, managed, and separated in a fair, transparent, safe, and legally compliant manner, while promoting productivity, inclusion, and respect for human rights.

5.4.1 Equal Opportunity and Non-Discrimination

NQCL shall provide equal employment opportunities to all project workers and applicants regardless of gender, age, disability, ethnicity, religion, marital status, or other status protected by law.

NQCL shall:

- i. Apply merit-based recruitment and selection procedures;
- ii. Promote equitable representation of women, youth, and persons with disabilities;
- iii. Ensure reasonable accommodation for workers with disabilities;
- iv. Prohibit all forms of discrimination, harassment, and victimization;
- v. Maintain inclusive workplace policies and facilities.

This policy is guided by Article 27 of the Constitution of Kenya, 2010, the Employment Act, 2007, and the Persons with Disabilities Act, 2003.

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5.4.2 Fair Recruitment and Contracting

All project workers shall be recruited through transparent and competitive processes and issued with written contracts or engagement letters specifying terms and conditions of service.

Recruitment procedures shall include:

- i. Verification of age, qualifications, and professional credentials;
- ii. Reference and background checks where applicable;
- iii. Execution of confidentiality and code of conduct undertakings;
- iv. Orientation and induction prior to commencement of duties.

Contract terms shall comply with the Employment Act, 2007 and other relevant laws.

5.4.3 Prohibition of Forced Labour

NQCL strictly prohibits forced labour, debt bondage, involuntary servitude, and any form of coercive employment practice.

NQCL shall ensure that:

- i. Employment is voluntary;
- ii. Workers may terminate employment in accordance with contractual notice provisions;
- iii. Identity documents are not retained by the employer or contractors;
- iv. Wages are paid directly and in full;
- v. No worker is compelled to work under threat or intimidation.

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5.4.4 Child Labour Prevention

No person below the minimum age prescribed by Kenyan law shall be engaged in hazardous or project-related work.

NQCL and all contractors shall:

- i. Verify age through official identification documents;
- ii. Maintain employee records;
- iii. Immediately remove any underage worker from prohibited activities and take corrective measures.

Detailed child labour procedures are set out in Section 7; AGE OF EMPLOYMENT of this Labour Management Procedure.

5.4.5 Occupational Health and Safety

NQCL shall provide and maintain a safe and healthy working environment for all project workers, including those involved in laboratory, warehousing, construction, logistics, and administrative activities.

Measures shall include:

- i. Workplace risk assessments;
- ii. Safety induction and refresher training;
- iii. Provision of Personal Protective Equipment (PPE);
- iv. First aid, firefighting and emergency response systems;
- v. Biosafety and biosecurity controls;
- vi. Medical surveillance where necessary;

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vii. Incident reporting and investigation.

This policy is guided by the Occupational Safety and Health Act, 2007 and the Work Injury Benefits Act, 2007.

5.4.6 Working Conditions and Employee Welfare

Project workers shall be provided with fair wages, lawful working hours, leave entitlements, and access to staff welfare and psychosocial support services.

NQCL shall ensure:

- i. Timely payment of salaries and allowances;
- ii. Compliance with statutory deductions and benefits;
- iii. Access to medical insurance and wellness programmes;
- iv. Safe and hygienic workplace facilities;
- v. Adequate rest periods and annual leave.

5.4.7 Worker Grievance Mechanism

All project workers shall have access to a confidential and non-retaliatory grievance mechanism for raising concerns related to employment, safety, discrimination, harassment, or contractual matters.

The mechanism shall provide:

- i. Multiple reporting channels;
- ii. Anonymous complaint options;
- iii. Defined response timelines;

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- iv. Appeal procedures;
- v. Secure documentation and monitoring.

5.4.8 Prevention of Sexual Harassment, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH)

NQCL maintains zero tolerance for sexual harassment, sexual exploitation and abuse, and all forms of gender-based violence.

All workers shall:

- i. Sign a Code of Conduct;
- ii. Receive regular sensitization and training;
- iii. Report incidents through confidential channels;
- iv. Be protected from retaliation.

Cases shall be handled in accordance with NQCL policies and applicable Kenyan law, including the Sexual Offences Act, 2006.

5.4.9 Contractor Management

All contractors, consultants, and service providers engaged under the HEPRR Project shall be required to comply with this Labour Management Procedure and applicable legal requirements.

Contract documents shall include provisions on:

- i. Employment conditions;
- ii. Occupational health and safety;
- iii. Child and forced labour prohibition;

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- iv. Code of Conduct;
- v. Grievance mechanisms;
- vi. Incident reporting.

NQCL shall monitor contractor compliance through periodic inspections and audits.

5.4.10 Training and Capacity Building

NQCL shall conduct training and awareness programmes for project workers and contractors on:

- i. Labour rights and responsibilities;
- ii. Occupational health and safety;
- iii. Code of Conduct and ethics;
- iv. SEA/SH prevention;
- v. Grievance handling;
- vi. Emergency preparedness.

5.6 Contractor's Responsibilities

Contractors will be expected to develop policies and procedures that adhere to these rules in accordance with the contracts and C-ESMP that includes OSH . Summarily, they will identify potential workplace hazards, provide protective measures, train employees, maintain training records, document and report occupational accidents and incidents, develop emergency preparedness procedures, and provide remedies for workplace injuries and fatalities. Contractors and supervising firms will submit reports to the World Bank upon request. However, any fatalities must be reported within 24 hours.

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5.7 Whistleblowing and Protection Against Retaliation

Whistleblowers are Project workers who report, in good faith, suspected wrongdoing to NQCL and may be subject to retaliatory action as a result. The Project will protect against retaliation for all workers who become whistleblowers.

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6.0 GRIEVANCE MECHANISM

6.1 General Principles

Workplace grievances commonly involve interest in employment opportunities, labor wage rates, payment delays, disagreements about working conditions, and health and safety problems in the workplace. Even though GBV/SEA/SH is an occurrence at workplaces, it isn't always reported for fear of victimization. As required by ESS2, a unique grievance procedure will be designed for project employees (direct employees, contractual and casual employees). Grievances should be handled in a culturally sensitive manner (for ESS7 communities), objectively, quickly, and with consideration for the needs and concerns of the offended employees. The system will also cater for anonymous complaints. When submitting complaints or concerns, individuals may ask that their identity remain anonymous; this request should be honored. Workers will be adequately sensitized on the GRM to enhance awareness and enable effective use.

6.2 Grievance Redress Process Responsibilities of NQCL

NQCL will work with various stakeholders, including NEMA, to implement the LMP in compliance with national laws. NQCL will be responsible for the following tasks:

- i. Undertake the overall implementation of this LMP;
- ii. Engage and manage all project workers in accordance with this LMP and the applicable Procurement Documents;
- iii. Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents;
- iv. Monitor the potential risks of child labor, forced labor and serious safety issues in

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relation to primary suppliers;

- v. Provide training to mitigate social risks including GBV/SEA/SH of project workers;
- vi. Ensure that the GRM for project workers is established and implemented and that project workers are informed about it;
- vii. Monitoring the implementation of the worker CoC; and
- viii. Report to the World Bank on labor and OSH performance and key risks and complaints. In case any serious OSH incident in connection with the project, NQCL should notify the World Bank within 48 hours of becoming aware of such incident. A fatality is automatically classified as a serious incident, as are incidents of forced or child labor, abuses of community members by project workers (including gender-based violence incidents), violent community protests, or kidnappings. NQCL shall ensure that the incident report is in line with the Bank's Environmental and Social Incident Reporting Toolkit (ESIRT). The Bank should then process the incident report in accordance with the ESIRT. Moreover, a fatality should be reported to DOSHS and the World Bank within 24 hours of occurrence.

Table 4 below presents a summary of the key LMP commitments and the project staff/entity responsible for the various key responsibility areas.

Table 3. Commitments and Responsible Persons

Sr. No.	Officers responsible	Key responsibilities
1.	Focal Person	i. Overall oversight of all project activities ii. Link to the World Bank
2.	Environmental and	i. Supervise workers' adherence to the LMP;

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Sr. No.	Officers responsible	Key responsibilities
	Social Safeguards Officer	ii. Prepare, review, approve the various OSH measures and plans. iii. Maintain records of recruitment and employment of contracted workers (including sub-contractors); iv. Provide induction training to heads of contracted workers organizations or EHS officers on environmental, social and OSH issues, and GBV/SEA/SH. v. Require primary supplier(s) to identify and address risks of child labor, forced labor and serious safety issues and undertake due diligence to ensure this is done; vi. Develop and implement the GRM for contracted workers, including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances including grievances related to GBV/SEA/SH and resolutions regularly to the PCT and World Bank. vii. Ensure all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC;

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Sr. No.	Officers responsible	Key responsibilities
		viii. Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities; and ix. Report to the PCT on labor and OSH performance. x. Assess the risk of serious safety issues. xi. Develop protocols for the workplace and for individual staff including disease prevention. xii. Link with NEMA and DOSHS on all OSH related issues. xiii. Monitor, document and report on all OSH matters xiv. Support the development of a GRM structure for the workplaces. xv. Be the GRM focal point for the project. xvi. Monitor, document and report on the GRM.
3.	Labour officers and OSH officers from the Department of Labour and DOSHS	i. Registration and renewal of workplaces and plants, ii. Workplace inspection & audits iii. Examination & testing of plants to guarantee that they are in good working condition. iv. Accident investigation & WIBA processing. v. Authorize and certify Designated Health practitioners (DHPs) to carry out Pre-employment and Periodic/Surveillance Medical Examination for Employees.

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Sr. No.	Officers responsible	Key responsibilities
4.	Contractors	i. Prepare the C-ESMP and undertake the overall implementation of OSH in compliance with the C-ESMP, ESS2. ii. Engage and manage employees in accordance with labour laws and ESS2 standards. iii. Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers. iv. Sensitize own staff on OSH and GBV/SEA/SH risk mitigation measures and sanctions for violating the CoC. v. Ensure that workers are aware and understand the Project workers GRM and how they can report their grievances. vi. Ensure own workers sign the CoC and monitor compliance. Report to NQCL on labor and OSH performance and key risks and complaints.

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6.2 GBV and SEA/SH GM

Mitigation measures against GBV/SEA/SH shall be addressed through the existing legal procedures and processes in place, including police, courts and prosecution, labor officers and probation officers. The procedure shall include:

- i. **Step One** - Documentation of the incident and provision of psycho-social support to the victim by the Sociologist/ GBV/SEA/SH incident or service providers.
- ii. **Step Two** - Handling of the incident by the Police and other criminal justice system authorities for redress.

6.3 World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a WB-supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's GRS (when not satisfied with the project-level GRM since the goal is to solve the grievance at the lowest (most local) level before going on to higher levels of appeal/ grievance management, if the issue is not resolved). The GRS ensures that complaints received are promptly reviewed 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, due to non-compliance with WB 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 allowed to respond.

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7.0 CONTRACTOR MANAGEMENT

NQCL will make reasonable efforts to ascertain that contractors who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that will allow them to operate in accordance with the requirements of ESS2. As such, each contractor engaged by the Project to provide services will be expected to adopt the protective measures outlined in this LMP. The contracts drawn by NQCL will include provisions, measures, and procedures to be put in place by the contractors to manage and monitor relevant OSH issues. Measures required of Contractors will be included as part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g., certifications, previous experience); Specific procedures relating to the workplace and the conduct of the work; and Specific procedures and measures dealing with specific risks.

NQCL will ensure that the contractors comply with the ESHS specifications of their respective contracts, including SEA/SH aspects through periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by third parties. Contractor labor management records and reports may include:

- a) a representative sample of employment contracts or arrangements between third parties and contracted workers;
- b) records relating to grievances received and their resolution;
- c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;

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- d) records relating to incidents of noncompliance with national law; and
- e) records of training provided for contracted workers to explain labor and working conditions and OSH for the project.

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8.0 PRIMARY SUPPLY WORKERS

To mitigate the risk of forced and child labour, human rights abuse, health and safety concerns among primary supply workers, NQCL through procurement documents will require:

- a) forced and/or forced labour declarations;
- b) qualification requirements, and
- c) mandatory prior review/No-objection by the NQCL.

Effective screening and due diligence at selection of primary suppliers will be undertaken to identify and detect potential risks related to labour and human rights abuse, including child labor, forced labour, and major safety concerns. NQCL will not approve the purchase of supplies from primary suppliers associated with such abuses or non-compliance with labour laws. All purchase orders and contracts by the project will have specific provisions for child protection, non-involvement in forced labor and worker safety. Metrics for evaluation of compliance with the requirements of the ESS2 will be developed by the environmental and social specialists and used during selection of suppliers and contracting under the project. Monitoring of compliance will be done through regular review/assessment of project documentation (specific reports from contractors) as well as project site visits. In the event of non-compliance, NQCL will invoke contractual provisions in the supplier contract to manage and provide corrective measures as required.

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9.0 REVIEW OF THE LMP

This LMP shall be reviewed after every 3 years and updated appropriately or as the need arises to incorporate changes in regulations, operations, or best practices.

Document Version No.	Current status	Proposed changes	Effective date of the changes
01	New document	None	

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ANNEXES

Annex 1: Notarized Individual Code of Conduct *(To be adopted by NQCL)*

I, _____, acknowledge that it is important to adhere to the NQCL Project environmental, social, health and safety (ESHS) standards and requirements, preventing sexual exploitation and abuse and sexual harassment (SEA/SH), and violence against children (VAC), and the chance finds procedure.

NQCL considers that failure to follow ESHS standards, or to commit acts of SEA/SH or VAC or chance finds procedure – be it on the work site, the work site surroundings, or the surrounding communities – constitutes acts of gross misconduct and is therefore grounds for sanctions, penalties, or potential termination of employment. Prosecution of those who commit SEA/SH or VAC by law enforcement authorities may be pursued if appropriate, and only upon informed survivor consent, or in the case of a minor, with appropriate caregiver consent.

I agree that while working on the Project, I will:

Regarding Occupational Health and Safety

- Comply with legislation and other applicable requirements relating to occupational health and safety risks.
- Attend occupational health and safety trainings as requested by the employer or the Project.
- Identify the potential risks associated with each activity and workstation.
- Make recommendations regarding safety and health issues affecting employees
- Wear prescribed and appropriate personal protective equipment (PPE) all times on the project site.
- Prevent avoidable accidents and report conditions or practices that pose a

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safety hazard or threaten the environment.

- Report any violations of this code of conduct to workers' representative, HR, or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way.

Regarding Sexual Exploitation and Abuse and Sexual Harassment

- Attend and actively partake in training courses related to SEA/SH and VAC as requested by the Project.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other affiliation, nationality, ethnicity, or social origin, property, disability, birth or nationality, sexual orientation, gender identity, or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate (especially among ESS7 communities).
- Not engage in sexual exploitation, which is defined as any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- Not engage in sexual abuse, which is defined as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

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- Not engage in sexual harassment, which is defined as any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another, when such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment.
- Not participate in sexual contact or activity with children – including grooming or contact through digital media (community members married to minors, even if legally done, will not be hired). Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- Not have sexual interactions with members of the host communities (NB: an exception applies to a locally hired worker already married to an adult member of the community). This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex – such sexual activity is considered “non-consensual” within the scope of this Code.
- Consider reporting through the Grievance Mechanism or to my manager any suspected or actual SEA/SH or VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

Regarding children under the age of 18:

- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
- Not use any computers, mobile phones, video, and digital cameras or any other

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medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).

- Refrain from physical punishment or discipline of children.
- Refrain from hiring children below the minimum age of 15, for domestic or other labor that places them at significant risk of injury, as specified by the national law
- Comply with all relevant local legislation, including labor laws in relation to child labor and the World Bank’s E&S standards on child labor and minimum age.
- Take appropriate caution when photographing or filming children (see details below).

Regarding chance finds procedure:

Whenever I encounter a physical cultural heritage at a work site, i should immediately stop work and henceforth manage the site in accordance with the chance finds procedure contained in the ESMF.

Sanctions

I understand that if I breach this Individual Code of Conduct, NQCL will take disciplinary action, which could include:

- Informal warning.
- Formal warning.
- Additional Training.
- Loss of up to one week’s salary.
- Suspension of employment (without payment of salary/contract fees), for a minimum period of 1 month up to a maximum of 6 months.

Your Partner in Quality Health Products

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- Termination of employment.
- Reporting to the police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. I will adhere to the occupational health and safety management requirements and avoid actions or behaviors that could be construed as SEA/SH or VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to OSH , SEA/SH and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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Annex 2: Incident Investigation Form

OSH Incident Investigation Form

Classification of Accident (Indicative, Serious, Severe)
 Description of the
 accident:.....

.....
 Date and Time of Accident:

Location of the accident:

.....

Source of accident alert:

.....

Investigation

Date and Time of Investigation:

Names and Status of Investigating Team

Name..... Position.....Sign.....

Name.....Position.....Sign.....

Name.....Position.....Sign.....

Complete accident investigation questionnaire and attach copies to Incident Investigation Form.

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Findings of Investigation Team

Team's description of events leading up to the accident

Team's Description of the accident itself

Team's view on the causes of the accident

Recommendation to reduce potential accident (immediate fix)

Date.....No.....Section.....

1. Root causes.....

2. Preventive Action taken.....

3. Further Recommendation Preventive actions..... Project coordinator: Comments and Actions to be taken or recommended to higher authority:

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Signature..... Date.....

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Annex 3: Public Service Grievance Form

PUBLIC SERVICE COMMISSION GRIEVANCE PROCEDURE GRIEVANCE FORM – PSC GF

Officer's Full Name			P/No.		Designation & Grade
Department					Section
Office	Tel.	No.	Official Address:	E-mail	Mobile Telephone No.
Stage I					
Grievance Statement/Issues (Use attachments if necessary): Submitted to: Name:..... Head/Officer in ChargeDept/Section Date Date Received:					

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Response/ Action taken:

Respondent's Name

Designation.....

Signature: Date

.....

Employee's response

[☐] I conclude my grievance and am returning the form to the Human Resource Office . [☐] I request that my grievance be taken to the next stage.

Signature Date

.....

Stage II
Submitted to:..... Name: Senior Deputy Secretary (Administration) Date:
Date Received:
Response/ Action taken:..... Respondent's Name Designation Signature: Date Employee's Response [] I have documented my grievance and am returning the form to the Human Resource Office [] I request that my grievance be taken to the next stage
Stage III
Submitted to the Secretary PSCK

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