

Haryana Clean Air and Sustainable Development Program (P510686)

Labor Management Procedures (LMP)

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By

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ABBREVIATIONS AND ACRONYMS

CoC	Code of Conduct
DOEFCC	Department of Environment Forest and Climate Change
EHS	Environmental Health and Safety
EHSG	Environmental Health and Safety Guidelines
ESCP	Environmental and Social Commitment Plan
ESMP	Construction Environmental and Social Management Plan
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
GBV	Gender Based Violence
GOH	Government of Haryana
GOI	Government of India
GRM	Grievance Redress Mechanism
HCASDP	Haryana Clean Air and Sustainable Development Program
ICC	Internal Complain Committee
LCC	Local Complaint Committee
LMP	Labor Management Procedures
M & E	Monitoring and Evaluation
NGOs	Non-Governmental Organizations
OHS	Occupational Health and Safety
PIU	Project Implementation Unit
PMU	Project Management Unit
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SOP	Standard Operating Procedure
WB	World Bank

1. OVERVIEW OF LABOR USE IN HCADP

The HCADP will be implemented by the Department of Environment Forest and Climate Change (DOEFCC). Labor needs for the development of the project will include the staff for project management unit (PMU), consultants and firms to undertake professional services for the preparation, development and implementation of the technical components, and contractors to undertake minor civil works.

PMU headed by the Project Director will work closely with the nodal officers in the implementing departments (Agriculture and Rural Development) that will have the primarily responsibility for implementing the IPF component. The Executive body responsible for day-to-day Program implementation is expected to hire a large pool of technical staff for PMU— which will be staffed with personnel and experts drawn on deputation from other State departments and on contract-basis (post-retirement and from the market) apart from other support staff.

Type of Workers

The project is expected to involve Direct Workers, Contracted Workers, and Primary Suppliers.

Direct Workers: will comprise project staff hired by the DOEFCC and implementing departments (Agriculture, Rural Development), as per requirement.

Contracted Workers: contracted workers will be employed as deemed appropriate by contractors and sub-contractors for small-scale civil works under livestock intervention which include upgradation works for waste collection and management in cattle shelters, setting up an ammonia emissions monitoring network, and promoting innovations in value-chain for livestock waste and crop residue. Additionally, consulting firms will be hired for undertaking analytical studies, capacity building, behavior change communication, innovative pilots for productive re-use of agricultural wastes, including program management and evaluations. Skilled, semi-skilled and unskilled workers will be hired by the contractors and consultants on a need basis/intermittently.

Primary Suppliers: The project may require the use of primary suppliers for the equipment and materials needed for civil works. The primary supply worker related provisions of ESS2 would apply to those primary suppliers with whom the project will have a significant and ongoing relationship with. However, the relevance of primary supply workers will be known once the scope and scale of the investments are defined.

Where government civil servants are working in connection with the project, whether full time or part time, they will be governed by the existing GoH service byelaws/rules/regulations, unless there has been an effective legal transfer of their employment or engagement to the project. The conditions of work and terms of recruitment of contracted staff hired by the DoEFCC are as per the Deployment of Contractual Persons Policy 2022— as all contractual staff are hired through the Haryana Kaushal Rozgar Nigam Limited (HKRNL), a centralized platform for recruitment.

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The labor risks of the project are mostly associated with the civil works under livestock intervention. In addition, risks can arise for non-compliance of statutory requirements and processes that govern the employment relationship between the employer and direct workers and from unsafe workplace.

These risks comprise:

Occupational, health and safety (OHS) risks during civil works and operations: The key OHS risks during civil works include injuries due to accidents arising out of poor work conditions and unsafe practices e.g., injuries due to operating machineries, transportation of materials and slip, trips and falls due to spills and poor housekeeping/slippery floors in workplaces etc. Risks during operational phase include – exposure to zoonotic diseases, exposure to ammonia from manure, respiratory infections, dermatological problems, allergies, injuries from animals etc. Monitoring of compliances, awareness raising and training on OHS¹ need to be provided to workers prior to commencement of work, and operations consistent with the national/state laws and SOPs.

Labor influx: Preliminary assessment indicates that demand for skilled workforce for livestock intervention is low and if required, are largely met locally. Hence, risks associated with labor influx for the IPF component are negligible. Infection risk from and to the community need to be managed through personal hygiene and workplace sanitation and hygienic practices during civil works and operation.

Child & Forced labor: Based on expected project activities and the sector of work, the risk of child or forced labor is not significant. However, mitigation measures to prevent and prohibit child and forced labor will be adopted in accordance with Indian laws. Workers below the age of 18 years will not be hired to work. To confirm that workers are not below the age of 18 years, workers will need to provide legally recognized documents such as Aadhaar or Birth Certificate.

Sexual Exploitation and Abuse/ Sexual Harassment (SEA/SH): Risks of SEA/SH were found to be low. Such risks may arise under two circumstances: (a) risks of SEA/SH to community members, particularly women and children by workers during construction and operation phase; and (b) risks of workplace sexual harassment among workers employed by the PMU, implementing agencies, including consulting firms and contractors under the IPF component. Implementing agencies have established codes of conduct for SEA/SH (Internal Complaints Committees) which are/will be communicated to the staff. Further, matching grant program and cluster development plans will establish transparent systems and procedures for any benefit transfers, which will not be based on discretion of individual project actors. Lastly, civil works contracts will embed clauses pertaining to establishment of ‘code of conduct’ at all worksites.

Limited equal opportunities and discrimination with respect to recruitment, hiring, remuneration, termination of employment, working conditions, or terms of employment based on gender, age, disability, ethnicity, caste, or religion are other potential employment related risks.

Workers hired by the implementing agencies will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. ESS2 will not apply to such workers, except for the provisions of Para 17 to 19 (Protecting the Work Force) and Para 24 to 30 (Occupational Health and Safety) under World Bank ESS-2 on Labor and Working Conditions.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The guidance on the terms and conditions of employment/ engagement for all categories of workers is presented below:

¹ Toolbox talks; response & reporting in case of accidents; periodic health checkup; awareness generation; GRM; community safety; etc.

Type of Worker	Terms and Condition
Direct Workers	The direct workers are governed by the employment terms and condition of existing norms and by the <i>Deployment of Contractual Persons Policy 2022</i> for personnel hired from the market (through Haryana Kaushal Rozgar Nigam Ltd.). It needs to be ensured that all direct workers have clear contracts and conditions of work, including terms of employment, wages, and entitlements, working hours, leave and benefits, mechanisms for handling grievances based on requirements under ESS2 and national/state labor laws. ²
Contracted workers	These will include (a) Construction and civil workers, their supervisors and managers hired by civil contractors; and (b) Consultancies hired for technical support or various studies. Contracted workers hired through the Haryana Kaushal Rozgar Nigam Ltd are governed by the employment terms and condition of the <i>Deployment of Contractual Persons Policy 2022</i> . The policy mandates organization’s compliance to the Contract Labour (Regulation and Abolition) Act, 1970— if it hires more than 50 contracted workers. As per the policy, contract staff are entitled to various types of leaves, wage parity, grievance mechanism, reservation of vulnerable groups [Scheduled Caste/Backward Caste/Economically Weaker Section/Persons with Disabilities] as per the <i>Haryana Reservation Policy</i> , including maternity benefits in accordance with the <i>Maternity Benefits Act, 1961</i> . In addition to applicable employment laws/regulations, these contracts will be governed by all the ESS2 requirements.
Primary Supply Workers	The project will need procurement of equipment and materials from suppliers for civil works. The primary suppliers of construction material to the project will be oriented to ensure that they do not engage children, forced or bonded labor and apply all measures to ensure workers safety, in line with provisions of ESS2.
Community Workers	The project is not expected to engage any community workers.

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

The occupational health and safety measures will be integrated in the site-specific ESMP prepared for Project activities to ensure safety of all personnel during civil works in line with the requirements of the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996,

² Some of the legislations related to equal opportunities and working conditions include Employees’ Provident Funds and Miscellaneous Provisions Act, 1952; Payment of Gratuity Act, 1972; Employees’ Compensation Act, 1923; Maternity Benefit Act, 1961; Employees’ State Insurance Act, 1948; Workers Cess Act, 1996; Employees’ Provident Funds and Miscellaneous Provisions Act, 1952; Building and Other Construction Workers’ Welfare Cess Act, 1996; Payment of Wages Act, 1936, Minimum Wages Act, 1948, Payment of Bonus Act, 1965 and Equal Remuneration Act, 1976; Contract Labour (Regulation and Abolition) Act, 1970; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; Child Labour (Prohibition and Regulation) Act 1986; among others. Further, central government recently enacted the four Labour Codes, namely, the Code on Wages, 2019; the Industrial Relations Code, 2020 (IR Code); the Code on Social Security, 2020 (SS Code) and the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code).

Haryana Building and Other Construction Workers (Regulation of Employment and Condition of Service) Rules, 2005 and the World Bank Group's EHS guidelines³ on health and safety.

Occupational health and safety requirements for project staff are embedded in *Occupational Safety, Health and Working Conditions Code, 2020* and *Draft Notification on Haryana Occupational Safety Health & Working Conditions Rules, 2021*. Once enacted, the Code and 2021 Rules will be applicable to civil workers in the project as well.

5. RESPONSIBLE STAFF

The overall responsibility of LMP implementation rests with the environmental and social specialists housed in the PMU. Additionally, focal persons for environmental and social (E&S) risks management will be designated at the implementing departments (Agricultural and Rural Development). Both the specialists and E&S focal persons will be responsible for the following:

- Ensure that civil works contractors and consultants comply with the LMP, and also adhere to occupational health and safety measures.
- Ensure the responsibilities of the contractors and consultants are developed in line with the provisions of this LMP for OHS and certain environmental protection provisions e.g., hazardous and other wastes and emissions management.
- Monitor to verify that contractors and consultants are meeting labor and OHS obligations toward contracted (and sub-contracted) workers on a real-time basis.
- Monitor construction sites to ensure that all OHS provisions at construction facilities are being implemented e.g., PPE availability, immunization status of functionaries and safe work practices, etc.
- Monitor incidents and accidents including SEA/SH injuries, illnesses, and accidental spills, etc.
- Monitor and implement training on LMP and OHS for all direct and contracted workers.
- Ensure that the grievance redress mechanism is established for workers and implemented, and workers are informed of its purpose and how to use it.
- Ensure the system for regular monitoring and reporting on labor and ESHS performance is functioning efficiently.
- Develop and monitor implementation of the Code of Conduct applicable to all workers.

For the direct workers engaged in the cattle shelters:

- Facilitate and ensure adherence to SOPs related to prevention of zoonotic diseases (screening the cattle and vaccinations, using PPE during operations, sanitation at regular intervals, safe carcass disposals, decontamination, quarantine, vector control etc.) prevention of exposure to ammonia etc. (eg., regular cleaning and removal of manure, safe storage even for short periods, monitor the air quality and alert the workers etc.).
- Organize awareness programs and health checkup for workers at regular intervals. Provide rooms/facilities for wash and change

Contractors for civil works will be responsible for the following:

- Comply with the requirements of the national and state legislations, labor management procedures, including those by their sub-contractors.
- Maintain records of recruitment and employment process of contracted workers.

³ Reference: <https://www.ifc.org/en/insights-reports/2000/general-environmental-health-and-safety-guidelines>

- Clearly communicating the job description and employment conditions to the workers.
- Regular review and reporting on labor and ESHS performance.

Standard clauses for inclusion in civil works contracts include (but not limited to):

- General obligations of the contractor with respect to maintaining the health and safety of the workers.
- Implementation of a site-specific ESMP for managing construction related occupational health and safety.
- Ensuring no child labor and/or forced-bonded labor for any works.
- Equal pay/wage for men and women workers, including registration and insurance.
- All workers engaged at construction site to be provided with the required Personal Protection Equipment (PPE) and regular health check-ups etc. Additionally, first-aid kit to be provided at the site and the workers should be oriented on the use.
- Construction sites to be provided with adequate barricading and safety signages.
- Providing health and safety training/orientation to all workers and staffs.
- Steps necessary to prevent worker harassment or discrimination, including sexual exploitation and abuse, sexual harassment (SEA/SH), gender-based violence (GBV).
- Basic facilities at worksites such as segregated toilets, dust bins, canteen, drinking water, creche facilities (if required), etc.
- Establishing Grievance Redress Mechanism (GRM) for workers for any complaint/grievance received from workers and ensuring workers' awareness about GRM.

Consultants will be responsible for the following:

- Comply with the requirements of the national and state legislations, labor management procedures.
- Steps necessary to prevent worker harassment or discrimination, including sexual exploitation and abuse, sexual harassment (SEA/SH), gender-based violence (GBV) and any discrimination.

6. POLICIES AND PROCEDURES

Policy and Procedure for Direct Workers: The following procedures would be applicable for direct workers i.e., project staff of PMU and implementing agencies:

In the office:

- For this project, the minimum age will be 18 years. This rule will apply for both national and international workers.
- Fire detection and firefighting equipment will be available at all project offices. Emergency evacuation plan will be established for all project offices and staff will be made aware of the plan and periodic training exercises that needs to be implemented.
- Equal training opportunity will be available to all staff working in the project without discrimination, based on gender or otherwise, as specified in the employment conditions.
- Orientation training to be provided on (a) safety and health in construction worksites including emergency procedures; (b) usage of Personal Protective Equipment during site visits; (c) safety of

women from any sexual exploitation and abuse (SEA) and sexual harassment (SH); and (d) mechanism to access redressal services.

- Equal remuneration, childcare, flexible work hours, creche facilities, segregated toilets, dust bins, drinking water and other amenities in all offices as mandated by law.

Policy and Procedure for Contract Workers for Civil Work: The key procedure at the construction site includes as follows:

- Equal pay/wage for men and women labors.
- No child labor and/or forced labor at construction site for all works
- All laborers to be provided with photo ID cards for accessing the construction site.
- Personal Protection Equipment (PPE) – safety helmet and shoes, secured harness when working at heights, electrical gloves, eye protection for welding etc., for all workers without which entry to the construction site shall not be allowed.
- Steps necessary to prevent SEA/SH and any discrimination based on religious, political and/or sexual orientation.
- Facilities to be provided at the labor camp (if setup):
 - Hygienic living conditions and safe drinking water
 - Segregated toilets for male and female workers, provisions for waste collection, management
 - Creche facilities
 - First aid kits
 - Fire extinguishers
 - Use of fireproof wiring and good quality electricals
 - Cooking gas and/or electric/induction plate for each labor household
 - Monthly/weekly health checkup to be organized at the camp for all labors/family.
 - Awareness campaign for social distancing and general health and hygiene.
 - Posters and signages at/around the site, with images and text in local languages relating to personal safety, hygiene and on COVID-19 symptoms and guidelines.
 - Security measures to be provided at the camps which may include fencing, locks, alarms, pass card systems, badge, and pass system, access points, safe transport of personnel as appropriate.
 - Emergency response plan including availability of assembly points and mock drills. Emergency numbers should be on display.
- The measures proposed in a site-specific ESMP for managing construction related workplace occupational health and safety.

Civil works contractors' workers will be managed by the contractors and their terms and conditions must be consistent with the WB ESF (ESS2), GoI/GoH laws and regulations. The provisions and codes of conduct outlined in the ESMP will provide the minimum standards required for workers under civil works contracts (including sub-contractors). E.g., OHS, GBV/SEA and SH and general worker behavior are managed through the C-ESMPs.

Policy and Procedure for Consultants: The key procedure includes as follows:

- Equal pay/wage for men and women employees.
- Prohibit child and forced labor.
- Steps necessary to prevent SEA/SH and any discrimination based on religious, political and/or sexual orientation.

- Compliance with any other relevant laws and regulations.

Procedure related to minor incidents and accidents: Minor incidents will be reported directly to the PMU on monthly basis and will be reflected in quarterly reports, and serious accidents and incidents will be reported immediately and will be flagged to the World Bank within stipulated timeframe given in the ESCP. Enquiry, medical examination, and compensation for injuries will be determined as per the Employee Compensation Act, 1923. Given that most labor related risks and impacts results from actions of contractors, mitigation measures will be largely implemented by contractors. The PMU will incorporate General and Specific Conditions into bidding documents and contracts, including measures in relation to SEA/SH prevention and risk mitigation and on codes of conduct, so that contractors are aware of their obligations and are contractually obligated to comply with them.

Sexual exploitation and abuse and sexual harassment (SEA/SH): A Code of Conduct (CoC) applicable to (a) project staff at PMU and implementing agencies, (b) construction workers, and (c) other project employees will be adopted and adhered to. The CoC will commit all personnel to acceptable standards of behavior. The CoC will include sanctions for non-compliance, including termination or even revoking of the contract. It should be written in plain language and signed by each worker. A copy of the CoC will be displayed in a location easily accessible to the community in the local language. (See Annex II for CoC template).

Personnel will also receive awareness training on GBV/SEA/SH. The project's GRM will also include a channel to allow SEA/SH-related grievances to be received and addressed. The nature of the complaint will be recorded and referenced to relevant service providers, while maintaining the complainants' confidentiality. All establishments (employing more than 10 employees) are mandated by the Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) to form an Internal Complaints Committee (ICC) to address workplace related SEA/SH complaints. Thus, all employers including contractors as per the Act must ensure that the contact information of ICC is displayed in the office and that regular trainings/orientation programs are organized for staff and ICC members. A context-specific, survivor-centric, inclusive, and non-discriminatory approach will be used to address the risk of SEA/SH procedures and applied to manage the SEA/SH related grievance process. The SEA/SH related processes will be overseen by the Social Specialists within the PMU and monitored on the ground by the focal persons on environmental and social risk management.

7. AGE OF EMPLOYMENT

In accordance with the Child Labour (Prohibition & Regulation) Act of 1986, no child below the age of fourteen years shall be engaged in any hazardous employment. Employment of children under 18 years of age will be strictly prohibited. Contractors will be required to verify and identify the minimum age of all workers through government identification documents, like birth certificate, ration card, Aadhar card and other national identification cards, passport and if in doubt clinical, anthropometric measurements will be taken to ascertain their age.

8. TERMS AND CONDITIONS OF EMPLOYMENT

The terms of employment of the direct project workers will be as per prevailing market rates based on expertise and experience. It would be ensured that all direct workers are provided clear terms of reference and contracts outlining their roles, responsibilities, and conditions of work and in all cases the principles of non-discrimination and equal opportunity apply.

The terms of employment of the contracted workers at construction sites will be based on the terms of contract governed by 'The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996' and other labor laws and provisions of ESS2 for contracted workers.

9. GRIEVANCE MECHANISM FOR PROJECT WORKERS

In case of civil works, grievance mechanism shall include site-specific grievance focal person assigned by the contractor who will file the grievances and appeals on behalf of the contracted workers. If the issue cannot be resolved at the contractor's level within 7 working days, then it will be escalated to the PMU. The work of the grievance focal person will be closely monitored by the implementing agencies at the field level and periodically reviewed by the E&S focal persons in the implementing agencies and social development specialist in the PMU.

Consulting firms will use their existing grievance mechanisms, but they may also consider assigning a grievance focal person to address any project related grievance.

The grievance focal person will register the grievances in a formal manner in a register or in electronic format to be easily tracked for its resolution. The GRM will include the process of screening, investigation, resolution of grievances, documentation, and reporting of grievances. Once all possible redress has been proposed and if the complainant is still not satisfied then they should be advised of their right to legal recourse. Monthly report on the grievances received at each of the sites will be submitted to the PMU.

All contractors/consulting firms (employing more than 10 employees) are mandated under the POSH Act to set up an Internal Complaints Committee (ICC) in their organization to address complaints of sexual harassment. A complainant facing sexual harassment working in an organization that has less than 10 employees, can file a complaint to the Local Complaints Committee (LCC) setup in each district by the district administration.

10. CONTRACTOR MANAGEMENT

The PMU will oversee the implementation of contract as per the terms and clauses mentioned in the contract. The Environmental Specialist and Social Specialist at the PMU along with the E&S focal persons at the implementing agencies will manage and monitor the E&S performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) including the labor management procedures. This may include periodic inspections, and/or spot checks of the site locations and camp sites (if created) as well as of labor management records and reports compiled by the contractors.

Contractors' labor management records and reports that may be reviewed for inspections and/ or spot checks would include representative samples of employment contracts or arrangements between third-parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law and the LMP, and records of drills/ training provided for contracted workers to explain occupational health and safety risks and preventive measures.

Details on reporting requirements are provided in the Environmental and Social Commitment Plan (ESCP).

Annex-1

Worker's Code of Conduct

This Code of Conduct applies to all staff, laborers, and other employees at the worksite or other places where the works are being carried out. It also applies to the personnel of each sub-contractor and any other personnel assisting in the execution of the project. All such persons are referred to as "Contractor's Personnel" and subject to this CoC. This code of conduct identifies the behaviour required from all contractor personnel. The project workplace must be an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

Required Conduct

Contractor's personnel shall-

1. Carry out his/her duties competently and diligently.
2. Comply with this code of conduct and all applicable laws, regulations, and other requirements, including requirements to protect the health, safety, and well-being of other contractor's personnel and any other person.
3. Maintain a safe working environment including by:
 - a) Ensuring that workplaces, machinery, equipment, and process under each person's control are safe and without risk to health
 - b) Wearing required personal protective equipment
 - c) Using appropriate measures relating to chemical, physical and biological substances, and agents; and
 - d) Following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/ herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health.
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers, or children.
6. Not engage in sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractors or Employers Personnel.
7. Not engage in sexual exploitation, which means any actual or attempted abuse of a 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.
8. Not engage in sexual abuse, which means that actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
9. Complete relevant training courses that will be provided related to the environmental and social aspects of the contract, including on health and safety matters, sexual exploitation and abuse, and sexual harassment.

10. Report violations of this code of conduct; and
11. Not retaliate against any person who reports violations of this code of conduct.

Raising Concerns

If any person observes behavior that he/she believes may represent a violation of this code of conduct, or that otherwise concerns him/her, he/she raise the issue promptly to the (a) Personnel designated as a grievance redressal officer by the contractor, or the (b) Internal Complaints Committee (ICC) constituted by the contractor as mandated by Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the national/state law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. All reports of possible misconducts are seriously taken and will investigate and take appropriate action. There will be no retaliation against any person who raises a concern in good faith about any behaviour by this Code of Conduct. Such retaliation would be a violation of this code of conduct.

Consequences of violating the code of conduct

Any violation of this code of conduct by the contractor's personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.