

DRAFT FOR PUBLIC COMMENT
Guidance Note for ESS2
Labor and Working Conditions

The Guidance Notes provide guidance for the Borrower on the application of the Environmental and Social Standards (ESSs), which form part of the World Bank’s 2016 Environmental and Social Framework. The Guidance Notes help to explain the requirements of the ESSs; they are not Bank policy, nor are they mandatory. The Guidance Notes do not substitute for the need to exercise sound judgment in making project decisions. In case of any inconsistency or conflict between the Guidance Notes and the ESSs, the provisions of the ESSs prevail. Each paragraph of the Standard is highlighted in a box, followed by the corresponding guidance.

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Introduction

1. ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

Objectives

- To promote safety and health at work.
- To promote the fair treatment, non-discrimination and equal opportunity of project workers.
- To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.
- To prevent the use of all forms of forced labor and child labor.¹
- To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
- To provide project workers with accessible means to raise workplace concerns.

Footnote 1. Paragraphs 17 to 19 specify the circumstances in which a child may be employed or engaged in connection with a project.

Scope of Application

2. The applicability of ESS2 is established during the environmental and social assessment described in ESS1.²

Footnote 2. In conducting the environmental and social assessment and depending on the significance of the potential issues in the project relating to labor and working conditions, the views of representative workers' and employers' organizations may be sought.

GN2.1. Application of ESS2 promotes the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in projects. The environmental and social assessment identifies the ways in which national law and the requirements of ESS2 are applied to the project.

GN2.2. ESS2 is in part informed by several International Labour Organization (ILO) and United Nations (UN) Conventions. These include:

- ILO Convention 87 on Freedom of Association and Protection of the Right to Organize
- ILO Convention 98 on the Right to Organize and Collective Bargaining
- ILO Convention 29 on Forced Labor
- ILO Convention 105 on the Abolition of Forced Labor
- ILO Convention 138 on Minimum Age (of Employment)
- ILO Convention 182 on the Worst Forms of Child Labor
- ILO Convention 100 on Equal Remuneration

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- ILO Convention 111 on Discrimination (Employment and Occupation).

Many of these conventions and other international instruments are incorporated into the national law of ratifying countries.

GN2.3 (Footnote 2). As discussed in Footnote 2 of ESS2, engaging with project workers and their representatives on labor issues, including with representatives of workers' organizations where they exist, helps inform the assessment of labor risks and impacts, by providing useful context and additional information. Depending on the project, engagement may also include workers' organizations at a global, national or sector level, and labor inspectorates.

<p>3. <i>The scope of application of ESS2 depends on the type of employment relationship between the Borrower and the project workers. The term "project worker" refers to:</i></p> <ul style="list-style-type: none"> (a) <i>people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers);</i> (b) <i>people employed or engaged through third parties³ to perform work related to core functions⁴ of the project, regardless of location (contracted workers);</i> (c) <i>people employed or engaged by the Borrower's primary suppliers⁵ (primary supply workers);</i> (d) <i>people employed or engaged in providing community labor⁶ (community workers).</i> <p><i>ESS2 applies to project workers including full-time, part-time, temporary, seasonal and migrant workers.⁷</i></p>
<p><i>Footnote 3. 'Third parties' may include contractors, subcontractors, brokers, agents or intermediaries.</i></p>
<p><i>Footnote 4. 'Core functions' of a project constitute those production and/or service processes essential for a specific project activity without which the project cannot continue.</i></p>
<p><i>Footnote 5. 'Primary suppliers' are those suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project.</i></p>
<p><i>Footnote 6. See paragraph 34</i></p>
<p><i>Footnote 7. 'Migrant workers' are workers who have migrated from one country to another or from one part of the country to another for purposes of employment.</i></p>

GN3.1. Project workers can be engaged in many different ways. It is important to identify the different types of workers that may be engaged in the project and describe them in the *labor management procedures* that are prepared for the project (see Paragraph 9 of ESS2), together with the way in which the ESS2 requirements apply to each type of project worker. The four categories of project workers referred to in Paragraph 3 of ESS2 recognize the differing degrees of control and influence that a Borrower may have over the working conditions and treatment of different types of project workers. The requirements under ESS2 are different depending on the type of project worker involved.

GN3.2. Identifying the nature of the employment relationships with project workers is important for categorizing workers appropriately. Determining the existence of an employment relationship is guided primarily by the facts relating to performance and organization of the work and the type of workers' remuneration.

GN3.3. Several indicators may be considered in determining whether and between which parties an employment relationship exists; these may include the following:

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(a) **Organization of the work.** Whether work:

- is carried out according to the instructions and under the control of the Borrower or another party;
- involves the integration of the worker in the organization of the borrower (or the entity involved in implementing the project, such as the project implementation unit);
- is performed solely or mainly for the benefit of the Borrower or another party;
- must be carried out personally by the worker;
- is carried out within specific working hours or at a workplace specified or agreed by the Borrower or another party requesting the work;
- is of a particular duration and has a certain continuity;
- requires the worker's availability; or
- involves the provision of tools, materials and machinery by the party requesting the work.

(b) **Remuneration and other benefits,** which may include:

- periodic payment of remuneration to the worker;
- the fact that such remuneration constitutes the worker's sole or principal source of income;
- provision of payment in kind, such as food, lodging or transport;
- recognition of entitlements such as weekly rest and annual holidays;
- payment by the party requesting the work for travel undertaken by the worker to carry out the work; or
- absence of financial risk for the worker.

GN3.4. Contractual arrangements, particularly those involving multiple parties, should be clear as to which party is responsible for ensuring that the requirements of ESS2 are met for each type of project worker. This is particularly important where several different parties are involved in implementing the project. For example, the construction of a large infrastructure project may include a main contractor, several subcontractors, representatives of the Borrower, and various engineers.

GN3.5 (Footnote 3). A range of third parties may be used to source or provide labor for a project. It is important to understand the nature of the relationship between the third party and the project worker to decide how the requirements of ESS2 apply to the worker. In some circumstances, even where the worker is engaged on the project long term, the control and legal responsibility for the worker remains with the third party. In such circumstances, the worker is a "*contracted worker*" for the purposes of ESS2, and the responsibilities of the Borrower are as set out in Section E (Paragraphs 31-33) of ESS2. This is the case, for example, where a contractor brings its own workforce to work on a project. In other circumstances, the third party may source and recruit the worker on behalf of the Borrower (or the entity involved in implementing the project, such as the project implementation unit). In these circumstances, such workers are "*direct workers*" for the purposes of ESS2. This is the case, for example, where a labor broker or agent acts as an intermediary for the placement and recruitment of workers in one country to be employed on a project in another country.

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Direct Workers

4. *The requirements of paragraphs 9 to 30 of this ESS will apply to direct workers.*

GN4.1. A “direct worker” is a worker with whom the Borrower has a directly contracted employment relationship and specific control over the work, working conditions and treatment of the project worker. The worker is employed or engaged by the Borrower, paid directly by the Borrower and subject to the Borrower’s day-to-day instruction and control. Examples of direct workers may include persons employed by the Borrower’s project implementation unit to carry out design and supervision, monitoring and evaluation, or community engagement in relation to the project.

Contracted Workers

5. *The requirements of paragraphs 9 to 33 of this ESS will apply to contracted workers, as specified in Section E.*

GN5.1. A “contracted worker” is a worker employed or engaged by a third party to perform work or provide services that are essential for the core function of the project, where the third party exercises control over the work, working conditions and treatment of the person. In such circumstances, the employment relationship is between the third party and the project worker, even if the project worker is working on an ongoing basis on project activities.

Community Workers

6. *The requirements of paragraphs 34 to 38 of this ESS will apply to community workers, as specified in Section F.*

Primary Supply Workers

7. *The requirements of paragraphs 39 to 42 of this ESS will apply to primary supply workers, as specified in Section G.*

GN7.1. A “primary supply worker” is a worker employed or engaged by a primary supplier, providing goods and materials to the project, over which a primary supplier exercises control over the work, working conditions and treatment of the person. Footnote 5 of ESS2 sets out the definition of a “primary supplier.” As part of the definition, there is a requirement that the goods or materials be provided directly to the project for its core functions on an ongoing basis. This means that second, third and further levels of the supply chain (sometimes referred to as Tier 2 and Tier 3 suppliers) are not covered by ESS2. See also ESS1 for discussion of what constitutes a primary supplier.

8. *Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.⁸ ESS2 will not apply to such government civil servants, except for the provisions of paragraphs 17 to 20 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).*

Footnote 8. Such transfer will be conducted in accordance with all legal requirements and transferred workers will be subject to all requirements of this ESS.

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GN8.1. ESS2 does not seek to interfere in the relationship between the Government and its civil service employees, who are normally employed under specific terms and conditions that may reflect mandatory legal requirements. While government civil servants may work on the project, for example, in the project implementing unit or project management office, their status as government civil servants is not affected.

GN8.2. In the case of an effective legal transfer of employment or engagement of a government civil servant to the project or of a government civil servant who takes a formal unpaid leave of absence to work on the project, ESS2 applies. In these cases, for purposes of the project, workers are no longer subject to the legal requirements relating to civil servants, and are instead employed directly by the project and subject to the provisions of ESS2 relating to direct workers.

GN8.3. There may be situations in which government civil servants have no employment relationship with the project, but are involved in project activities in their governmental capacity. For example, they may be involved in training activities, such as teachers in education sector projects, or health care service providers in health sector projects. While ESS2 does not apply to such persons, the potential risks and impacts of the project to such persons should be assessed in accordance with ESS1, including any occupational and health and safety considerations.

Requirements

A. Working Conditions and Management of Worker Relationships

9. *The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS.⁹ The procedures will address the way in which this ESS will apply to different categories of project workers, including direct workers, and the way in which the Borrower will require third parties to manage their workers in accordance with paragraphs 31-33.*

Footnote 9. To the extent that provisions of national law are relevant to project activities and satisfy the requirements of this ESS, the Borrower will not be required to duplicate such provisions in labor management procedures.

GN9.1. The purpose of the *labor management procedures* is to facilitate planning for the project and help identify the resources necessary to address the labor issues associated with the project. The *labor management procedures* help to (a) identify the different types of project workers that are likely to be involved in the project, and (b) set out the ways of meeting the requirements of ESS2 that apply to the different types of workers.

GN9.2. Where project workers are employed or engaged by different parties, the *labor management procedures* set out the responsibilities of the Borrower in relation to each category of project worker, identifying the way in which different parties will meet with the requirements on labor and working conditions set out in ESS2.

GN9.3. The *labor management procedures* set out a systematic approach to the management of labor issues in the project and reflect the requirements of national law, applicable collective agreements and

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requirements of ESS2. The amount of detail set out in the procedures reflects the type of project, the type, size and location of the workforce, and the extent to which national law satisfies the requirements of ESS2. It is good practice to review and update the *labor management procedures* as needed during the preparation and implementation of the project. The *labor management procedures* may be prepared as a stand-alone document, or form part of other environmental and social management documents.

GN9.4. Where relevant in the context of the project and the potential risks and impacts, the *labor management procedures* may contain measures to address risks that may arise from interaction between project workers and local communities. These may include measures to raise awareness of such risks, communicate expectations regarding appropriate conduct, together with disciplinary measures, and depending on the nature of the project, adoption of a formal code of conduct. For additional guidance, see Guidance Note on Managing Risks Related to Labor Influx on the World Bank's website.

GN9.5. Where national law requires the collection and retention of information about project workers, this is included in the *labor management procedures*, with an explanation of the type of information that is collected.

GN9.6 (Footnote 9). In many countries, particularly those that have ratified conventions and other international instruments relating to labor and working conditions, national law reflects many of the requirements of ESS2. Where this is the case, the *labor management procedures* refer to the relevant national law provisions. Further, ESS2 does not preclude provision of higher levels of protection for workers in countries where such protections are set out in national law. It is important to review national laws applicable to the project periodically to ensure that they continue to satisfy the relevant ESS2 requirements (both with respect to substance and implementation). The *labor management procedures* are amended or updated as necessary, if national laws change.

Terms and Conditions of Employment

10. *Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will 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 this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.*

GN10.1. Documentation should be appropriate and relevant to the length and nature of the employment or engagement. For example, a public notice of the job to be done, the number of hours, pay, and other key terms and working conditions may be adequate for seasonal project workers provided copies of such information are available at the request of the project workers. For longer-term employment, the material terms of the employment relationship are documented in more detail, and a copy of the documentation (for example, the signed contract) should be provided to the project worker. In many countries, individual contracts are a legal requirement.

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GN10.2. Information provided to workers at the start of employment is normally covered by relevant provisions of national law. Documents and contracts include information on the following, as appropriate:

- the name and legal domicile of the employer;
- the worker's name;
- the worker's job title;
- the date employment began;
- where the employment is not permanent, the anticipated duration of the contract;
- the place of work or, where the work is mobile, the main location;
- housing provisions and payment required, if any;
- provisions regarding food and payment required, if any;
- hours of work, rest breaks, leave entitlements and other related matters;
- rules relating to overtime and overtime compensation;
- the levels and rules relating to the calculation of salary, wages and other benefits, including any rules related to timing of payment and deductions;
- the pension and other welfare arrangements applicable to the worker;
- the length of notice which the worker can expect to give and receive on termination of employment;
- the disciplinary procedures that are applicable to the worker, including details of representation available to the worker and any appeals mechanism;
- details of grievance procedures, including the person to whom grievances should be addressed; and
- any collective bargaining arrangements that apply to the worker.

GN10.3. In addition to documentation, oral communication and explanation of working conditions and terms of employment will be appropriate where project workers do not read or have difficulties understanding the documentation, or where the documentation is in an unfamiliar language to workers, for example migrant workers. In such cases, a summary of key terms and conditions in a language understandable to the workers is provided. Where there is a collective agreement that applies to the project workers, that information is communicated to them as well. Documentation regarding such communication and explanation, for example, through records of meetings held or notices placed on a workers' bulletin board should be retained.

GN10.4. The working conditions and terms of employment of migrant workers (domestic or foreign) should be the same or substantially equivalent to those of non-migrant project workers performing the same type of work. This applies to migrant project workers employed or engaged directly by the Borrower or through a third party. Such terms include, for example, remuneration, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other relevant conditions of work. Other terms of employment include requirements to protect the workforce, as set out in Section B below.

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11. *Project workers will be paid on a regular basis as required by national law and labor management procedures. Deductions from payment of wages will only be made as allowed by national law or the labor management procedures, and project workers will be informed of the conditions under which such deductions will be made. Project workers will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law and labor management procedures.*

GN11.1. In circumstances where national law does not mandate periods of rest, annual holiday, sick, maternity or family leave for specific types of employment, the Borrower should consider providing such periods of rest and leave, taking into account the type and duration of the employment, and the scope, risks and impacts of the project. Where provided, these conditions should be included in the *labor management procedures*.

12. *Where required by national law or the labor management procedures, project workers will receive written notice of termination of employment and details of severance payments in a timely manner.¹⁰ All wages that have been earned, social security benefits, pension contributions and any other entitlements will be paid on or before termination of the working relationship, either directly to the project workers or where appropriate, for the benefit of the project workers. Where payments are made for the benefit of project workers, project workers will be provided with evidence of such payments.*

Footnote 10. Entitlement to such payments will depend on the nature of the employment relationship, including whether the project workers are employed on a fixed term contract, or are full-time, part-time, temporary or seasonal.

GN12.1. Where national law mandates the transfer of certain payments to specific third parties for the benefit of the worker (for example, government agencies or institutions such as a pension fund administration or health funds), the worker is provided with written evidence of such payment.

Non-Discrimination and Equal Opportunity

13. *Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be 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,¹¹ access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The labor management procedures will set out measures to prevent and address harassment, intimidation and/or exploitation. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.*

Footnote 11. The Borrower will consider, to the extent technically and financially feasible, reasonable measures to adapt the workplace in relation to project workers with disabilities.

GN13.1. Discrimination in employment as it relates to project workers is any distinction, exclusion, or preference with respect to recruitment, hiring, termination of employment, working conditions, or terms of employment made on the basis of personal characteristics unrelated to inherent work requirements that nullify or impair equality of opportunity or treatment in employment. Inherent work requirements refer to genuine occupational qualifications that are necessary to perform the work.

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GN13.2. Equal opportunity is the principle of basing all employment decisions, such as hiring and promotion, on the ability of a person to perform the work, without regard to personal characteristics that are unrelated to the inherent work requirements.

GN13.3. The extent to which national provisions support implementation in the project of the principles of equal opportunity and fair treatment is assessed by the Borrower in developing the project's *labor management procedures*. Where the national law is inconsistent with the requirements set out in Paragraph 13 of ESS2, the aim is to support the application of such principles in the project to the extent possible.

GN13.4. Discrimination can occur in the work place in various ways. For example, recruitment of new project workers may impose requirements that are not necessary for a job but may result in excluding a specific group. It can relate to decisions on how much to pay a project worker, for example, a female or migrant project worker. Discrimination can also occur in training and development, where selection may be based on criteria that are discriminatory. It can relate to termination of employment, where a specific group may be disproportionately affected, for example, based on considerations relating to age or gender. Finally, it can arise with respect to inappropriate treatment or harassment of project workers related, for example, to gender, age, disability, ethnicity or religion.

GN13.5. The Borrower identifies measures that support equal opportunities for women and men, with emphasis on equal criteria for selection, remuneration and promotion, and equal application of those criteria. There should be measures to prevent harassment of project workers, including sexual harassment, in the workplace. If migrant workers are engaged by the project, to the Borrower implements appropriate measures to prevent any discriminatory treatment of them.

GN13.6 (Footnote 11). Measures that address working conditions, accessibility of the built environment and information communication for project workers with disabilities include, for example, the provision of wheelchair ramps or elevators, or alternative formats of communication, such as large print, Braille, accessible digital formats or audio tape. Specific project measures are included in the *labor management procedures*. It is important to make information about the measures available to disabled workers.

14. Special measures of protection and assistance to remedy discrimination or selection for a particular job based on the inherent requirements of the job or the objectives of the project¹² will not be deemed as discrimination, provided they are consistent with national law.

Footnote 12. For example, where the project or a component of the project is designed to target a specific group or set of individuals, such as in projects with a local hiring requirement, social safety net projects or work for peace projects. This may also include positive affirmative measures as required by national law.

GN 14.1. Where allowed by national law, the Borrower may implement specific measures that provide for preferential treatment of individuals or groups of project workers who have been the subject of prior discrimination or disadvantage. Such measures could include training, management schemes, targeted outreach for recruitment or financial assistance for specific individuals or groups.

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15. *The Borrower will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers and children (of working age in accordance with this ESS). Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of the vulnerability.*

GN15.1. Many project workers are able to undertake different kinds of employment regardless of specific vulnerabilities, but there may be circumstances where measures may need to be taken to provide protection and assistance, for example for women while they are pregnant. It is important that women be protected from dismissal and other forms of prejudice in employment on the grounds of pregnancy, maternity leave or marital status.

GN15.2. People with defined disabilities may require particular adjustments. When considering changes to physical aspects of the workplace, the extent and cost of such changes are important factors in determining the suitability and reasonableness of proposed measures, compared to the degree of the discrimination that may otherwise affect project workers. Appropriate expertise may help to identify measures that minimize cost or disruption while still meeting the objectives of access or protection.

Worker's Organizations

16. *In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing and to bargain collectively without interference, the project will be implemented in accordance with national law. In such circumstances, the role of legally established workers' organizations and legitimate workers' representatives will be respected, and they will be provided with information needed for meaningful negotiation in a timely manner. Where national law restricts workers' organizations, the project will not restrict project workers from developing alternative mechanisms to express their grievances and protect their rights regarding working conditions and terms of employment. The Borrower should not seek to influence or control these alternative mechanisms. The Borrower will not discriminate or retaliate against project workers who participate, or seek to participate, in such workers' organizations and collective bargaining or alternative mechanisms.*

GN16.1. In many countries workers have the legal right to form unions or other workers' organizations of their own choosing and to bargain collectively with their employers. National laws often reflect a number of international agreements that recognize and protect these rights.

GN16.2. A workers' organization is any organization of workers for the purpose of furthering and defending their interests, in particular with regard to working conditions and terms of employment. Workers' organizations can be called by different terms in different countries, for example, trade unions, labor unions or workers' associations. They are usually formed and organized by workers, and should operate without outside control or interference. Workers' organizations should be representative of the work force and operate pursuant to the principles of fair and reasonable representation of workers and their interests in the context of the project.

GN16.3. Collective bargaining consists of discussions and negotiations between employers, employers' organizations and workers' organizations for the purpose of determining working conditions and terms of employment by joint agreement. It also includes instructions on the implementation and administration

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of any agreements that may result from collective bargaining and the resolution of other issues and grievances that arise in the employment relationship with respect to workers represented by the workers' organization. Collective bargaining can take place in different ways, depending on the country. Many countries have multi-level bargaining systems, which might include project, company and sectoral levels.

GN16.4. Where workers' freedom of association and/or collective bargaining are prohibited or restricted under national law, the Borrower and third parties should engage with workers to address relevant issues relating to their working conditions and terms of employment. Alternative mechanisms may include recognizing worker committees, and allowing workers to choose their own representatives for dialogue and negotiation on terms and conditions of employment in a manner that does not contravene national law.

GN16.5. Where national law recognizes the worker's rights to form and workers' organizations of their choosing, project workers should not be discouraged from, or discriminated or retaliated against, for forming or joining (or attempting to form or join) such organizations. Where national law restricts such organizations, project workers should not be discouraged from, discouraged from, or discriminated or retaliated against, for developing and participating in alternative mechanisms referred to in paragraph 16 of ESS2. Examples of discrimination or retaliation against workers who participate, or seek to participate, in workers' organizations and collective bargaining or alternative mechanisms include an employer's refusal to hire project workers who have been members or leaders of workers' organizations at other firms (for reasons unrelated to qualifications or job performance); dismissing, demoting or re-assigning such project workers, or outsourcing or modifying the delivery of work, in response to worker organizational activities.

B. Protecting the Work Force

Child Labor and Minimum Age

17. *A child under the minimum age established in accordance with this paragraph will not be employed or engaged in connection with the project. The labor management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.*

GN17.1. With regard to risks relating to child labor, the environmental and social assessment considers any inherent risks within the country, the region, the sector or industry in which the project is developed. See also GN39.1.

GN17.2. The project's *labor management procedures* specify the minimum age for employment or engagement in connection with the project as the age specified in law or the age of 14, whichever is higher, and include measures to prevent employing or engaging children under this age. Documentation and verification of age are important steps in preventing employment or engagement of child labor and, as appropriate to the project circumstances, may include the following, which are undertaken prior to the employment or engagement of a project worker and kept on file:

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- obtaining written confirmation from the applicant of their age; and
- where there is any reasonable doubt as to the age of the applicant, requesting and reviewing available documents to verify age (such as a birth certificate, national identification card, medical, school record, or other document or community verification demonstrating age).

GN17.3. If a child under the minimum age is discovered working on the project, measures will be taken to terminate the employment or engagement of the child in a responsible manner. Such measures will be outlined in *labor management procedures*.

18. *A child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:*

- (a) *the work does not fall within paragraph 19 below;*
- (b) *an appropriate risk assessment is conducted prior to the work commencing; and*
- (c) *the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirements of this ESS.*

GN.18.1. To support monitoring, a separate record of all project workers over the minimum age and under 18 should be created and maintained. This record may include details of their enrolment in school or vocational training programs.

19. *A child over the minimum age and under the age of 18 will not be employed or engaged in connection with the project in a manner that is likely to be hazardous¹³ or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.*

Footnote 13. Work considered hazardous for children is work that, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety, or morals of children. Examples of hazardous work activities prohibited for children include work: (a) with exposure to physical, psychological or sexual abuse; (b) underground, underwater, working at heights or in confined spaces; (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads; (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or (e) under difficult conditions such as work for long hours, during the night or in confinement on the premises of the employer.

GN19.1. In paragraph 19 of ESS2, the reference to a child's education is to compulsory education under national law. The reference to the child's health includes consideration of the child's safety.

GN19.2. If a child between the minimum age and 18 years old is working in the project in a manner that is likely to be hazardous, a first step is to consider whether the hazard can be removed. If this is not possible, the child is removed in a responsible manner and, if possible, transferred to an alternative position for which a risk assessment has been undertaken, as required by Paragraph 18 of ESS2. Where no such alternatives are possible, the project no longer employs or engages the child.

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Forced Labor

20. *Forced labor, which consists of any work or service not voluntarily¹⁴ performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the project. This prohibition covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor, or similar labor-contracting arrangements. No trafficked persons will be employed in connection with the project.¹⁵*

Footnote 14. Work is on a voluntary basis when it is done with the free and informed consent of a worker. Such consent must exist throughout the employment relationship and the worker must have the possibility to revoke freely given consent. In particular, there can be no “voluntary offer” under threat or other circumstances of restriction or deceit. To assess the authenticity of a free and informed consent, it is necessary to ensure that no external constraint or indirect coercion has been carried out, either by an act of the authorities or by an employer’s practice.

Footnote 15. Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Women and children are particularly vulnerable to trafficking practices.

GN20.1. Forced labor practices may not be immediately apparent. If forced labor is discovered in the project’s workforce, it is important to act promptly to address the practice that has coerced the worker and not recreate conditions of coercion. Any cases of forced labor discovered in the project’s workforce are referred to relevant government authorities and support services, as appropriate, to be addressed in accordance with national law. If national law is inadequate to effectively regulate and implement prohibitions against forced labor, the *labor management procedures* set out measures to address incidents of forced labor and remedy the situation.

GN20.2. Examples of conditions which may amount to forced labor include bonded labor (work in satisfaction of a debt of an amount that would be difficult or impossible to pay off), excessive limitations on freedom of movement, excessive notice periods, retaining the worker’s identity and other government-issued documents (such as passports) or personal belongings, imposition of recruitment or employment fees payable by the worker at the commencement of employment, loss or delay of wages that impede the workers’ right to end employment within their legal rights, substantial or inappropriate fines, physical punishment, use of security personnel to force or extract work from project workers, or other restrictions that compel a project worker to work on a non-voluntary basis.

C. Grievance Mechanism

21. *A grievance mechanism will be provided for all direct workers and contracted workers¹⁶ (and, where relevant, their organizations) to raise workplace concerns.¹⁷ Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measure will be put in place to make the grievance mechanism easily accessible to all such project workers.*

Footnote 16. For community workers, see paragraph 36.

Footnote 17. This grievance mechanism will be provided separately from the grievance mechanism required under ESS10.

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GN21.1. Workplace concerns are usually different from issues raised by project affected parties and other stakeholders, and therefore call for a separate mechanism to address them, as noted in Footnote 17 of ESS2. Further details on the design and implementation of a grievance mechanism are set out in ESS10 and the accompanying guidance.

GN21.2. The grievance mechanisms established under ESS2 do not replace or override the requirements to provide workplace processes to report work situations that a project worker believes are not safe or healthy. Project workers should be able to raise concerns regarding unsafe or unhealthy work situations through the grievance mechanism, if they wish to.

GN21.3. The Borrower and third parties inform direct and contracted workers, respectively, about the available grievance mechanisms, and how they work. The relevant information should be made available throughout project duration in manner that is clear, understandable, and accessible to workers, for example by including it in workers' handbooks, on notice boards, or similar communication mechanisms.

GN21.4. The *labor management procedures* include reasonable measures so that direct and contracted workers are not subjected to any form of retaliation as a result of any grievance raised.

22. *The grievance mechanism will be proportionate to the nature and scale and the potential risks and impacts of the project. It will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner. The grievance mechanism may utilize existing grievance mechanisms, providing that they are properly designed and implemented, address concerns promptly, and are readily accessible to such project workers. Existing grievance mechanisms may be supplemented as needed with project-specific arrangements.*

GN22.1. To the extent possible, the project grievance mechanism uses or supplements existing grievance mechanisms. It is important that the grievance mechanism be accessible to all direct and contracted workers, taking into account their different characteristics, for example female workers, migrant workers or workers with disabilities. Where appropriate, consideration can be given to allowing concerns to be raised anonymously and/or to a person other than an immediate supervisor. An effective and appropriate grievance mechanism operates with independence and objectivity, informs workers of the steps being taken to address their concerns, and allows for feedback about the response, within the timeframes specified in the grievance mechanism procedure.

23. *The grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.*

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D. Occupational Health and Safety (OHS)

24. Measures relating to occupational health and safety will be applied to the project. The OHS measures will include the requirements of this Section, and will take into account the General EHSs and, as appropriate, the industry-specific EHSs and other GIIP. The OHS measures applying to the project will be set out in the legal agreement and the ESCP.¹⁸

Footnote 18. Section 2 of the General Environmental Health and Safety Guidelines (EHSs) on Occupational Health and Safety applies to all projects and can be found at

<http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf?MOD=AJPERES>.

Each of the industry-specific guidelines addresses the OHS issues relevant to the particular industry. Links to each of these guidelines can be found at

http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustai nability/our+approach/risk+management/ehsguidelines

GN24.1. Measures relating to occupational health and safety (OHS) are aimed at protecting project workers from injury, illness or impacts associated with exposure to hazards encountered in the workplace or while working. Such measures take into account national law requirements on OHS and workplace conditions as they apply to the project, together with the requirements of ESS2. Additional guidance on the management of OHS issues according to GIIP is provided in the [World Bank Group Environmental, Health and Safety Guidelines](#) (EHS Guidelines).

GN24.2. The way in which the OHS provisions apply in projects depends on the type of project, the nature and severity of the risks and impacts and the types of workers involved. Appropriate OHS measures are incorporated into the design and implementation of the project to prevent and protect workers from occupational injuries and illness.

25. The OHS measures will be designed and implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life-threatening; (b) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness and response arrangements to emergency situations;¹⁹ and (f) remedies for adverse impacts such as occupational injuries, deaths, disability and disease.²⁰

Footnote 19. These arrangements will be coordinated with the Emergency Preparedness and Response measures established under ESS4.

Footnote 20. Such remedies should take into account, as applicable, the wage level and age of the project worker, the degree of adverse impact, and the number and age of dependents concerned.

GN25.1. Hazards may arise from materials (for example, chemical, physical and biological substances and agents), environmental or working conditions (for example, working at heights or in confined spaces, excessive hours of work, night work, mental or physical factors, oxygen-deficient environments, excessive temperatures, improper ventilation, poor lighting, faulty electrical systems or trenches), or work processes (for example, tools, machinery and equipment). OHS measures include the identification of

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potential hazards and responses including design, testing, choice, substitution, installation, arrangement, organization, use and maintenance of workplaces, working environment and work processes to eliminate sources of risk or minimize project workers' exposure.

GN25.2. It is good practice to avoid or eliminate sources of hazards to project workers' health and safety, rather than simply addressing the hazard through preventive and protective measures such as personal protective equipment. However, when it is not feasible to avoid or eliminate the hazard, appropriate protective measures are included in the project's OHS measures, such as controlling the hazard at its source through the use of protective solutions (for example, exhaust ventilation systems, isolation rooms, machine guarding, acoustic insulation), and providing adequate personal protective equipment at no cost to the project worker. Protective measures would include hazard labeling in languages understandable to the project workers, training and equipment to prevent occupational exposure to hazardous materials.

GN25.3. Some OHS risks may be specific to women workers. It is recommended to include a balanced representation of women on OHS committees to help design policies and practices responding to the needs of female project workers.

GN25.4. Project workers should receive OHS training at the start of their employment or engagement, thereafter on a regular basis and when changes are made in the workplace, with records of the training kept on file. Training covers the relevant aspects of OHS associated with daily work, including the ability to stop work without retaliation in situations of imminent danger (as set out in Paragraph 27 of ESS2) and emergency arrangements. Where project workers carry out potentially hazardous activities, more specific training may be appropriate. It is good practice for OHS briefings to be conducted for all visitors and other third parties accessing the project site.

GN25.5. In emergency situations, it is important that both project workers and the community understand their roles and responsibilities. Emergency responsiveness is most effective if the Borrower also communicates with other parties who may be involved in prevention, preparedness and response arrangements, for example, local authorities and services, so that they understand their roles and responsibilities and can identify and mobilize the resources that may be required. See also ESS4.

26. *All parties who employ or engage project workers will develop and implement procedures to establish and maintain a safe working environment, including that workplaces, machinery, equipment and processes under their control are safe and without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents. Such parties will actively collaborate and consult with project workers in promoting understanding, and methods for, implementation of OHS requirements, as well as in providing information to project workers, training on occupational safety and health, and provision of personal protective equipment without expense to the project workers.*

GN26.1. A number of methods can be used to collaborate and consult with project workers regarding OHS, and to facilitate an awareness and understanding of, and support for, OHS requirements. These include, for example, inviting project workers to appoint safety officers or representatives, or forming health and safety committees, to support collaboration in achieving safety and effective communication of information. In designing and implementing these methods, it is important to consider the experience of

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the project workers, their level of knowledge, their familiarity with OHS requirements and the languages in which they communicate.

27. *Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal.*

GN27.1. The information and training on OHS provided to project workers under Paragraph 26 of ESS2 includes details of the workplace processes that are available to them to report the hazardous work situations referred to Paragraph 27 of ESS2, and to remove themselves from such situations.

28. *Project workers will be provided with facilities appropriate to the circumstances of their work, including access to canteens, hygiene facilities, and appropriate areas for rest. Where accommodation services²¹ are provided to project workers, policies will be put in place and implemented on the management and quality of accommodation to protect and promote the health, safety, and well-being of the project workers, and to provide access to or provision of services that accommodate their physical, social and cultural needs.*

Footnote 21. Those services might be provided either directly by the Borrower or by third parties.

GN28.1. The Borrower may use existing policies and services on the management and quality of accommodation or may develop a policy specifically for the project that responds to Paragraph 28 of ESS2. These are clearly communicated to and required of any contractor or accommodation providers. Monitoring conditions with respect to project-provided accommodation and services is an important element of managing OHS risks and promoting health, safety and well-being of project workers.

GN28.2. Services provided to project workers (for example, canteen facilities or a camp store on a construction site), whether directly or through a contractor, are provided in a non-discriminatory manner, and comply with national law and EHSs, particularly in relation to quality, security and safety. Where there are charges to project workers for such services, these should be reasonable and, unless the context of the project makes it necessary, project workers are not required to use the services.

29. *Where project workers are employed or engaged by more than one party and are working together in one location, the parties who employ or engage the workers will collaborate in applying the OSH requirements, without prejudice to the responsibility of each party for the health and safety of its own workers.*

GN29.1. Collaboration may be achieved in a number of different ways, with the aim of protecting the health and safety of all project workers in the location. When all parties and project workers understand the respective roles and responsibilities of each party and the structure of authority at a project location or site, coordination in applying the project's OHS requirements is made easier.

GN29.2. Different types of projects have different types of hazards and levels of risks in connection with OHS, and may require different people to be responsible for coordination. Coordination on, for example,

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construction projects is important in effectively applying OHS requirements. It is best to assign overall responsibility for the worksite, and the obligation to continuously supervise and coordinate the work being performed, to a specified manager on site, for example a project manager, construction manager or supervising engineer. It is important that the role of the site manager is clearly understood and communicated to all contractors and their workers and that procedures are put in place to facilitate communication between contractors and the site manager.

30. *A system for regular review of occupational safety and health performance and the working environment will be put in place and include identification of safety and health hazards and risks, implementation of effective methods for responding to identified hazards and risks, setting priorities for taking action, and evaluation of results.*

GN30.1. A system for reviewing and responding to identified hazards and risks normally includes a procedure for documenting specific incidents such as project-related occupational injuries, illnesses and lost time accidents. The Borrower maintains, and requires all third parties and primary suppliers to maintain, such records. Such records form an input into the regular review of OHS performance and working conditions and other actions called for in Paragraph 30 of ESS2.

GN30.2. In the event of an occupational fatality, the Borrower reports to the Bank as soon as becoming aware of the fatality. This is supported by similar reporting obligations by third parties and primary suppliers to the Borrower.

GN30.3. Corrective actions are identified and implemented in response to project-related incidents or accidents. Where appropriate, these are included in agreements with third parties, including contractors. The Borrower or, where relevant the third party, may conduct, and upon request share with the Bank, a root cause analysis, to be used as the basis for designing and implementing further corrective actions.

E. Contracted Workers

31. *The Borrower will make reasonable efforts to ascertain that third parties²² 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 this ESS, except for paragraphs 34-42.*

Footnote 22. See footnote 3: this may include contractors, subcontractors, brokers, agents or intermediaries.

GN31.1. Information obtained as part of the process to contract third parties who engage contracted workers helps to ascertain the legitimacy and reliability of the third party. Depending on the nature of the project and the potential risks and impacts, information provided by the third party or otherwise obtained may include:

- information in public records, for example, corporate registers;
- business licenses, registrations, permits and approvals;

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- documents relating to a labor management system, including OHS issues, for example, labor management procedures;
- identification of labor management, safety and health personnel, their qualifications and certifications;
- workers' certifications/permits/training to perform required work;
- records of safety and health violations, and responses;
- accident and fatality records and notifications to authorities;
- records of legally-required worker benefits and proof of workers' enrollment in relevant programs;
- worker payroll records, including hours worked and pay received;
- identification of safety committee members and records of meetings;
- copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

32. *The Borrower will establish procedures for managing and monitoring the performance of such third parties in relation to the requirements of this ESS. In addition, the Borrower will incorporate the requirements of this ESS into contractual agreements with such third parties, together with appropriate non-compliance remedies. In the case of subcontracting, the Borrower will require such third parties to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.*

GN32.1. The project's *labor management procedures* set out the ways in which the Borrower will manage and monitor the performance of third parties in relation to contracted workers, focusing on compliance by such third parties with their contractual agreements (obligations, representations and warranties). As appropriate to the project, this may include 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. Third parties' labor management records and reports may include: (i) a representative sample of employment contracts or arrangements between third parties and contracted workers; (ii) records relating to grievances received and their resolution; (iii) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (iv) training provided for contracted workers to explain labor and working conditions and OHS for the project.

33. *Contracted workers will have access to a grievance mechanism. In cases where the third party employing or engaging the workers is not able to provide a grievance mechanism to such workers, the Borrower will make the grievance mechanism provided under Section C of this ESS available to the contracted workers.*

GN33.1. If the grievance mechanism is provided by the third party for contracted workers, the third party reports regularly on concerns raised by the contracted workers, and the way in which they were resolved.

GN33.2. If a third party is not able to deal with workers' concerns, as indicated in Paragraph 33 of ESS2, the project's grievance mechanism is made available to the contracted workers and the Borrower brings any concerns received through the project grievance mechanism to the attention of the third party for resolution.

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F. Community Workers

34. Projects may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development, providing a social safety net²³ or providing targeted assistance in fragile and conflict-affected situations. Given the nature and objectives of such projects, the application of all requirements of ESS2 may not be appropriate. In all such circumstances, the Borrower will require measures²⁴ to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement.²⁵

Footnote 23. For example, food-for-work programs and public works as safety nets programs.

Footnote 24. These measures will be documented in the labor management procedures.

Footnote 25. See footnote 14.

35. Accordingly, where the project includes the provision of labor by community workers, the Borrower will apply the relevant provisions of this ESS in a manner which reflects and is proportionate to:

- (a) the nature and scope of the project;
- (b) the specific project activities in which the community workers are engaged; and
- (c) the nature of the potential risks and impacts to the community workers.

Paragraphs 9 to 15 (Working Conditions) and paragraphs 24 to 30 (Occupational Health and Safety) will be assessed in relation to community labor, and will be applied in a manner which reflects (a) to (c) above. The way in which these requirements will apply in the circumstances of the project will be set out in the labor management procedures.

GN34.1. The type of projects in which community workers are involved can vary considerably in terms of complexity, duration and type of work, number of workers involved, types of project benefits, and the way in which ESS2 applies to the participation of community workers. Examples range from projects where the objective is to construct small-scale community infrastructure to regional or national projects designed to provide a social safety net to address unemployment or underemployment. The application of ESS2 to such projects is designed to address the relevant risks and impacts in a proportionate manner, tailored to the specific context, objectives and design of the project.

GN34.2. For example, where the objective of the project is the construction of community infrastructure for the benefit of an identified community, with labor being provided directly by members of that community, ESS2 requirements relating to OHS (Section D) and child and forced labor (Section B), may be of most relevance. While the community may be contributing its labor, it would be important to check the safety of the working environment, the age of community workers, and the terms on which labor is being mobilized.

GN34.3. Other projects may be of broader scope and more long-term, such as those aimed at addressing structural issues of unemployment or underemployment, including training, or providing assistance as a response in fragile or conflict-affected situations. In such projects, the elements of ESS2 that may be most relevant may relate to wages, terms and conditions of employment, and training (Section A).

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GN34.4. It is important that the labor in a project involving community workers is provided on a voluntary basis. The definition of voluntary work is provided in Footnote 14 of ESS2. It is good practice, where appropriate, to document the agreement that is reached with community workers on an individual basis, setting out the details of what has been agreed, the way in which the community workers are to be treated, and how the community workers may be represented. See ESS10 for a further discussion on representation. It also is good practice to prepare minutes of meetings with the community and community workers to discuss and agree the terms of their engagement with the project and to share the minutes with the community workers and their representatives.

GN35.1. Issues to be taken into account in assessing how to apply ESS2 in a proportionate manner include consideration of the age, gender, and specific vulnerability of the individual or group of community workers in relation to the nature of the project's risks and impacts and the project activities to be conducted by those workers. From a health and safety perspective, it may be appropriate to assess the health and safety risks to which the community workers may be exposed, the ability to prevent or eliminate such risks or, if the risk cannot be prevented or eliminated, the ability to protect community workers from exposure.

36. *In preparing the labor management procedures, the Borrower will clearly identify the terms and conditions on which community labor will be engaged, including amount and method of payment (if applicable) and times of work. The labor management procedures will also specify the way in which community workers can raise grievances in relation to the project. The Borrower will assess the potential risks and impacts of the activities to be conducted by community workers and, at a minimum, apply the relevant requirements of the General EHSs and industry-specific EHSs.*

GN36.1. While community workers can raise grievances in relation to the project, in many cases the nature of such grievances and the way in which they are addressed and resolved may differ from those of other project workers. For this reason, the project grievance mechanism may be adapted to reflect the specific characteristics of the community workers and the project.

GN36.2. Where community workers are expected in the project, the project's *labor management procedures* set out details relating to the terms and conditions of engaging community workers, the way in which grievances will be addressed and any additional measures designed to mitigate specific risks and impacts relating to the community workers under the project.

37. *The Borrower will assess whether there is a risk of child labor or forced labor within community labor, identifying those risks consistent with paragraphs 17 to 20 above. The labor management procedures will set out roles and responsibilities for monitoring community workers. If cases of child labor or forced labor are identified, the Borrower will take appropriate steps to remedy them.*

GN37.1. See GN Paragraphs 17 to 20 of ESS2 on child and forced labor.

38. *The review system established pursuant to paragraph 30 will take into account the provision of labor by community workers in the project, and that adequate training is provided to such workers, tailored to their particular needs and the potential risks and impacts of the project.*

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GN38.1. Communication with community workers, in a language and form understandable to them, is important, so that they know what to expect from the project, and their own responsibilities under the project. It is recommended to conduct tailored training of community workers on a regular basis, as appropriate to the potential risks and impacts of the project.

G. Primary Supply Workers

39. *As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers.*

GN39.1. The environmental and social assessment identifies, to the extent possible, the types of goods and materials to be obtained from primary suppliers. Where potential child labor, forced labor and serious safety risks are identified or are prevalent or known to exist in a specific sector, industry or region in connection with the supply of such goods and materials, a mapping exercise may be appropriate, to identify possible suppliers and the extent to which they may present such risks.

GN39.2. Where it is not possible to identify specific primary suppliers, it may be helpful to review industry labor issues relating to the supply of such goods and materials, and the risks. It is also useful to periodically update the assessment of potential risks that may arise in relation to primary suppliers of the project during project implementation. Tracking of suppliers' performance helps inform whether procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk.

GN39.3. Where appropriate, specific requirements on child labor, forced labor and work safety issues are included in all purchasing orders and contracts with suppliers.

40. *Where there is a significant risk of child labor or forced labor related to primary supply workers, the Borrower will require the primary supplier to identify those risks consistent with paragraphs 17 to 20 above. The labor management procedures will set out roles and responsibilities for monitoring primary suppliers. If child labor or forced labor cases are identified, the Borrower will require the primary supplier to take appropriate steps to remedy them.*

41. *Additionally, where there is a significant risk of serious safety issues related to primary supply workers, the Borrower will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.*

42. *The ability of the Borrower to address these risks will depend upon the Borrower's level of control or influence over its primary suppliers. Where remedy is not possible, the Borrower will, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of this ESS.*

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GN42.1. The Borrower’s ability to influence its primary suppliers depends on the terms and conditions of contracts with the primary supplier. Except in exceptional circumstances, the Borrower’s influence is not deemed to include the ability, as a sovereign state, to regulate such activities outside of the project.

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