

## **TERMS OF REFERENCE**

### **Labour Specialist for Project Implementation Unit, Public Works Department, Mizoram**

#### **1. Introduction**

The Government of Mizoram (GOM) is implementing the Mizoram State Roads – II Regional Transport Connectivity Project, funded by the World Bank. This project aims to increase transport connectivity along regional trade corridors in Mizoram. The project is financing 81 km of road construction in three sections across the state. The road improvement works are being implemented in three works packages, covering the following road stretches: Champhai-Zokhawthar (C-Z) road (Champhai District), Chhumkhum-Chawngte (C-C) road (Lunglei District), and Tlabung-Kawrpuchhuah (T-K) road (Lunglei District).

The Public Works Department (PWD) Mizoram is the implementing agency for the project. A dedicated project implementation unit (PIU), established in Chief Engineer (Road) Office of Mizoram PWD, headed by a Project Director and supported by other staff is responsible to implement the project with support from various units of PWD. The road improvement works are being implemented in various packages under supervision of a Construction Supervision Consultant (CSC). The PIU has a Special Land Acquisition Officer (SLAO) who monitors implementation of the land acquisition procedures and supervises social safeguards on the project along with the PIU team working on social issues.

This project is labour intensive and involves various issues related to compliance with labour laws. These are critical issues in the context of workplace safety, labour welfare and accidents. To that end, the PIU requires enhanced support in dealing specifically with these kind of labour issues. Accordingly, the project proposes to recruit a Labour Specialist.

#### **2. Objectives of the Assignment**

The objective of the assignment is to provide specialized support to the PIU on management, monitoring, and implementation support of labour and related social aspects of the project.

#### **3. Scope and Activities**

The scope of services includes the following:

- a. Support the PIU and work closely with the SLAO, social team, and CSC's team in monitoring implementation of all applicable labour laws and regulations on the project.
- b. Analyze all applicable labour laws, regulations and related contract provisions:
  - i. Develop comprehensive checklists of all compliance actions to be undertaken in the project.
  - ii. Develop checklist of all information regarding labour which is required to be collected and maintained by the employer. Develop formats in which this

- information can be collected and maintained.
- iii. Develop formats for monitoring compliance
  - iv. Develop any other material for labour law compliance, which may be necessitated in the course of project implementation.

Illustrative checklists are provided for guidance as Annexure A.

- c. Develop protocols for monitoring and reporting all labour related issues, establishing a clear chain of responsibility on labour issues from the contractor, through the CSC to the PIU.
- d. Ensure that checklists with all compliance requirements are disseminated among the contractors, Construction Supervision Consultants and the PIU.
- e. Review implementation of all applicable labour laws and related contractual provisions on all project sites:
  - i. Collect and monitor information in accordance with the compliance checklists developed.
  - ii. Undertake field visits to monitor compliance at all project sites at least once every month.
  - iii. Undertake regular interaction with local host communities during field visits to identify any issues related to safety and labour.
  - iv. Undertake regular interaction with all stakeholders –NGOs, civil society organizations etc in order to identify labour-related issues comprehensively.
- f. Through the review, identify all gaps and non-compliance issues and provide support and guidance to the PIU in undertaking immediate remedial action.
- g. Provide support and guidance to the PIU on compliances to be undertaken in the event of an accident:
  - i. Develop Action Plan for all actions required to be undertaken by the employer / contractor in the event of an accident (whether resulting in death or injury), according to applicable labour laws and contractual provisions.
  - ii. Develop specific Action Plans in case of accidents involving employees and local persons.
  - iii. Establish reporting protocols in case of an accident, establishing a clear chain of responsibility from the contractor, through the CSC to the PIU.
  - iv. Ensure that Action Plans are disseminated among the contractors, Construction Supervision Consultants and the PIU.
  - v. Provide support in implementing the Action Plan in case of an accident, including detailed guidance on any legal requirements which are not covered under the Action Plan.
  - vi. Prepare reports on accidents if they occur and ensure that complete information regarding accidents is reported promptly to the Bank team.

Ensure that compliance with the Action Plans is reported on a weekly basis to the Bank.

- vii. In the case of accidents, which have occurred during this project already, carry out legal due diligence to ensure compliance with all applicable laws and contractual provisions and payment of fair compensation to all beneficiaries. This would include providing support to the PIU in ensuring compliances and payment of compensation.
  - viii. Prepare final report on all accident cases (including previous accidents) providing full information as required statutorily and all information regarding action taken and compensation paid.
- h. Provide capacity building support to the PIU on labour issues:
- a. Conduct trainings on labour law compliance at construction sites for the PIU, CSC and contractors.
  - b. Disseminate all checklists, formats, protocols and Action Plans on labour law compliance among the PIU, CSC and contractors.
  - c. Conduct trainings on labour laws among the employees at the worksite.
  - d. Conduct trainings on labour laws at the community level.
- i. Liaise closely with the state Labour Administration department in order to ensure compliance and monitoring with all applicable labour laws.
- j. Provide inputs on labour issues to PIU in preparing the Quarterly Social Progress Reports.

#### **4. Qualifications**

- a. Educational Qualifications
  - Bachelor's degree in law; or postgraduate degree in industrial / employment / labour relations
- b. Work experience
  - 5 years' experience in the legal field, including practice of labour laws. Alternatively, 5 years' experience in the field of labour relations, industrial relations and related fields. Legal background would be given preference.
- c. Preferred experience and skills
  - Strong legal knowledge on labour issues
  - Knowledge of project planning, monitoring and management techniques
  - Experience of providing technical support to and capacity building of organizations
  - Experience working with a range of stakeholders, NGOs, international

organizations, development partners and/or with the government of India will be an advantage.

- Good communication skills
- High level of fluency in English
- Knowledge of local language
- Proficiency with working in advanced word processing/spreadsheet including MS Word, MS Excel and MS Power Point and other related applications

## **5. Duration and Commencement of Services**

The Consultant would provide services over an 18-month period on a full-time basis. The Consultant would be required to undertake field visits to all project sites at once every month. The contract is expected to commence in August 2017 and last till January 2019. Potential need for further contract extension will be evaluated at the end of the 18-month period.

## **6. Reporting Requirements**

The Consultant shall be under the immediate supervision of and will report to the Project Director, PIU. The Consultant shall work closely with the SLAO, Social team and Environment teams with the PIU. The Consultant shall also be expected to liaise with the Construction Supervision Consultant (CSC) and Contractor.

The reporting requirements would be:

1. Provide all checklists, formats, protocols and Action Plans within two months of commencement of the assignment.
2. Thereafter, provide monthly report on all data collected through the checklists. Monthly reports would include progress on all non-compliance issues identified. This would also include findings from the monthly field visits.
3. Quarterly report comprising all labour-related data collected, and all findings from the field on compliance and related issues. This would include all non-compliance issues and actions taken to remedy the same. This report would also be used as input into Quarterly Social Progress Report from the PIU.
4. Reports escalating issues which demand urgent and immediate attention as and when they arise.
5. Periodic and Final Reports on all accidents comprehensively reporting the accident and all action taken thereafter recording all compliances and highlighting gaps where action is required (including previously occurred accidents).
6. A Final Report capturing the comprehensive checklists, protocols and Action Plans, progress report, lessons learnt and way forward.
7. Any other reports as and when requested.

## **7. Selection Process**

Selection of the Consultant will be carried out in accordance with the selection procedure of Individual Consultants Selection in the World Bank's Guidelines: Selection and Employment of

Consultants under IBRD Loans and IDA Credits and Grants by World Bank Borrowers, January 2011.

## **8. Facilities to be provided by the Employer**

The Employer will provide the following:

- a. Access to the information and other assistance as required to effectively undertake this assignment, including facilitation of field visits
- b. Working space within the PWD premises in Aizawl

## **9. Responsibility of the Consultant**

The Consultant is expected to provide his inputs in Mizoram. The Consultant shall manage stationery, office equipment, travels to and from Mizoram, lodging and boarding in Aizawl to render the services himself or herself.

## **10. Contract and Payments**

The Contract shall be time based with the inputs in Mizoram. Travel expenses, accommodation, transportation, and Per-Diems shall be reimbursed as per actual as specified in the contract.

## Annexure A

### ILLUSTRATIVE CHECKLISTS

1. PROJECT DATA				
1.1	<b>Name of Project</b>			
1.2	<b>Duration</b>			
1.3	<b>Start Date</b>			
1.4	<b>Estimated Completion Date</b>			
1.5	<b>Location</b>			
1.6	<b>Name and Contact Information (email/phone) of Contractor</b>			
1.7	<b>Name and Contact Information (email/phone) of all sub-Contractors</b>			
1.8	<b>Type of Project (project description)</b>			
1.9	<b>Types of activities undertaken phase wise, with timeline</b>	<i>Phase 1 (timeline)</i>	<i>Phase 2 (timeline)</i>	<i>Phase 2 (timeline)</i>
		<i>Phase 1 (type of activity)</i>	<i>Phase 2 (type of activity)</i>	<i>Phase 2 (type of activity)</i>

2. LABOR PROFILE						
2.1	Number of laborers by sex	<i>Male</i>		<i>Female</i>		<b>Total</b>
2.2	Number of laborers by skill	<i>Skilled</i>	<i>Semi-skilled</i>		<i>Unskilled</i>	<b>Total</b>
2.3	Number of laborers by origin	<i>Local (same or adjoining district)</i>		<i>Other state</i>		<b>Total</b>
				<i>Other Country</i>		
2.4	Number of laborers by age	<i>14-18</i>	<i>18-25</i>	<i>25-50</i>	<i>Above 50</i>	<b>Total</b>
2.5	Source of labor	<i>Contractor</i>	<i>Subcontractor</i>	<i>Independent</i>	<i>Other</i>	<b>Total</b>

3. WAGES				
3.1	Amount of wages paid (men)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.2	Amount of wages paid (women)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.3	Rate of wages below, equal to or more than Minimum Wage?			
3.4	Frequency of payment (daily/weekly/monthly)			
3.5	Deductions made, if any (with details)			
3.6	Mode of Payment (cash / Bank transfer / cheques)			
3.7	Is overtime paid, and if so, at what rate?			
3.8	Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules			
3.9	Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules			
3.10	Is Register of Wages maintained at work-spot as per Form X of Minimum Wages Central Rules			
3.11	Is Labor provided with Wage Slip as per Form XI of Minimum Wages Central Rules			
3.12	How many hours is the working day?			
3.13	How many leaves in a week does the labor get?			

4. MAINTENANCE OF OTHER LABOR RECORDS		
4.1	Is a copy of photo ID of each laborer kept with the employer?	
4.2	Is verification of qualifications / experience for all semi-skilled and skilled labor done? If so, by which documents?	
4.3	Is contact information of labor's next-of-kin kept for each laborer?	
4.4	How many labourers have been employed from State Employment Exchange?	

5. FACILITIES					
5.1	Details of labor camps	Number	Permanent/Temp.	Location	Distance from nearest village/habitation
		1...			
		2...			
5.2	Type of housing in labor camp on leased land (temporary shelters/kuchha/pukka)				
5.3	Is there any housing on public land like roadsides, open fields and other spaces?				
5.4	Is there any housing in rented accommodation in residential areas? If so, who is it rented by?				
5.5	How many laborers have families on/near worksite?				
5.6	Is drinking water available on site and at the campsite?				
5.7	Are latrines and urinals provided on site and at the campsite?				
5.8	Are First Aid facilities provided on site?				
5.9	Does a doctor visit the worksite / campsite regularly?				
5.10	Is there a tie-up with a hospital or dispensary near the worksite / campsite				
5.11	Is woolen clothing/rainwear provided?				
5.12	Is there a provision for a crèche/nursery?				
5.13	Is there a facility for cooking / canteen facility for all labor?				
5.14	Are leisure activities / facilities available for all labor				
5.15	Is transport to and from the worksite provided to labor?				

6. SUPERVISION BY LABOR OFFICIALS	
6.1	Has the worksite / campsite been inspected by a labor official?
6.2	How many times has the worksite / campsite been



	inspected by a labor official since commencement of work?	
6.3	What documents were inspected by labor officials?	
6.4	What documents were maintained and which ones were not?	
6.5	What directions were given by labor officials?	
6.6	What is the mode of compliance with such directions?	
6.7	Are you facing any legal proceedings on labor issues in Labour Court/ Commissioner for Employees' Compensation/ Other?	

#### **7. ACCIDENTS, EMERGENCIES AND INCIDENTS**

	<b>7. ACCIDENTS, EMERGENCIES AND INCIDENTS</b>	
7.1	What is the nature of accidents / emergencies usually occurring at a worksite like yours?	
7.2	Is a functioning First Aid available at the campsite / worksite?	
7.3	Is functioning fire-fighting equipment available at the campsite / worksite?	
7.4	Which is the nearest doctor / clinic / dispensary?	
7.5	Which is the nearest hospital?	
7.6	Which is the nearest Police Station?	
7.7	Are details of nearest doctor / clinic / dispensary / hospital / Police station available and prominently displayed at worksite / campsite?	
7.8	What is the system of informing next of kin?	
7.9	Do you have ESI / ECA coverage?	
7.10	What is your familiarity with accident reporting procedures?	
7.11	What is your familiarity with police reporting procedures?	
7.12	Has an Internal Complaints Committee been constituted and other appropriate measures undertaken at the workplace as per the Sexual	

	Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?	
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