

Environmental and Social Sustainability Framework

Standard 9 – ~~Occupational and Public~~ Health, Safety and Security

Draft – ~~6 September~~~~25 November~~15 December 2021

STANDARD 9: OCCUPATIONAL AND PUBLIC HEALTH, SAFETY AND SECURITY

INTRODUCTION

- 1 The EIB recognises the need to ~~improvingimproving~~ safeguard workers' health and safety¹ the safety and health of workers, and to addressing rapid changes in the economy (notably the pathway towards green growth), demography and work patterns¹.
- 42 This Standard recognises that project activities, equipment and infrastructure can expose workers and community to hazards, risks and impacts in terms of occupational and public health², safety and security.
- 23 The Standard ~~requires promoters to use -reasonable efforts to identify~~ encourages the identification of these hazards, risks and impacts and ~~the to~~ design and use of appropriate measures to avoid or mitigate adverse health and safety impacts associated with project activities on the rights-holders (project workers³, supply chain workers⁴, and affected people and communities).
- 4 This Standard recognises: (i) the right of workers to fair and just working conditions⁵ and (ii) the right of workers and affected people and communities to life⁶ and to integrity⁷. It also recognises the responsibilities of both workers and employers to securing a safe and healthy working environment.

OBJECTIVES

- 35 This Standard, whilst acknowledging the role of relevant authorities in protecting and promoting the health and safety of workers and the public, outlines the promoter's responsibilities in assessing, managing and monitoring occupational and public health, safety and security risks associated with projects supported by the EIB, and specifically the following:
- Promote, protect and monitor the health, safety and security of project workers (including third party workers⁸) throughout the project life-cycle, by ensuring a safe, healthy, ~~hygienic~~ and secure working environment (including gender-based violence risks⁹) and, where applicable, accommodation conditions, and effectively implementing a management system, or equivalent, commensurate to the risks and impacts associated with the project.
 - Identify, assess and manage risks to the health and safety of project-affected people and communities, (including to project-related gender-based violence risks including sexual harassment, exploitation and abuse) during the life-cycle of the project.
 - Require that the provision of private or public security to protect project workers, assets, communities and suppliers is consistent with international human rights standards and principles¹⁰.

¹ For instance, as endorsed the EU strategic framework on health and safety at work 2021-2027 "Occupational safety and health in a changing world of work" (Commission Communication COM (2021)323 of 28 June 2021) and the European Pillar of Social Rights Action Plan.

² The term "health", in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work.

³ The term "project worker" is used to refer to: (i) people employed or engaged directly by the promoter (including the project proponent and the project implementing agencies) to work specifically in relation to the project (direct workers); and (ii) people employed or engaged through third parties to perform work related to core functions of the project, regardless of location (third party workers).

⁴ The term "supply chain worker" indicates people employed or engaged by the promoter's primary suppliers. Primary suppliers are those suppliers who provide directly to the project goods or materials essential for the core functions of the project. The term "core functions" shall be understood as those production and/or service processes essential for a specific project activity without which the project cannot continue.

⁵ Fair and just working conditions as required under Art 31 of the Charter of Fundamental Rights of the European Union and Art 7b of the International Covenant on Economic, Social and Cultural Rights.

⁶ As recognised by Art.2 of the Charter of Fundamental Rights of the European Union, Art 3 of the Universal Declaration of Human Rights and Art 6 of the International Covenant on International Covenant on Civil and Political Rights.

⁷ As recognised by Art 3 of the Charter of Fundamental Rights of the European Union granting everyone the right to respect for his or her physical and mental integrity. Art. 12 of the International Covenant on Economic, Social and Cultural Rights further recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

⁸ Third parties may include contractors, subcontractors, brokers, agents or intermediaries.

⁹ As recognised in ILO C190 Violence and Harassment Convention & accompanying Recommendation R206.

¹⁰ International human rights standards and principles include (i) the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, (ii) the UN Code of Conduct for Law Enforcement Officials, (iii) the Voluntary Principles on Security and Human Rights and (iv) the International Code of Conduct on Private Security Providers.

- Provide that project workers and members of the public can effectively access ~~a-the workers grievance mechanism and the~~ project grievance mechanism, respectively, in cases of health, safety or security concerns, risks or violations commensurate to the risks and impacts associated with the project.

SCOPE

- 46** This Standard applies to all projects that are likely to affect, directly or indirectly, occupational and/or public health, safety and security and the specific requirements that need to be addressed, including to achieve consistency with the “Minimum Safeguards” (MS) principles¹¹, are determined during the environmental impact assessment/environmental and social impact assessment (EIA/ESIA) process (as outlined in Standard 1).
- 57** This Standard also sets out specific requirements vis-à-vis people employed or engaged by the promoter’s primary suppliers (supply chain workers). Supply chain related ~~labour~~ health and safety requirements are addressed in paragraph ~~66-68~~ to ~~67-69~~ of this Standard.
- 68** The implementation of the actions necessary to meet the requirements of this Standard are managed as an integral part of the Promoter’s overall environmental and social management system (ESMS) and/or project specific environmental social management plan (ESMP), health and safety management plan (HSMP) or equivalent.

GENERAL REQUIREMENTS

- 79** All projects located in EU, EFTA, Candidate and potential Candidate countries shall comply with the applicable national and EU legislation¹² related to occupational and public health, safety and security as well as any obligations deriving from the relevant international conventions¹³ and multilateral agreements. Projects shall also ~~comply with~~ relevant supporting guidelines¹⁴ and European standards¹⁵.
- 810** For projects located in Candidate and potential Candidate countries, the promoter shall consider any timeframes for reaching compliance with specific EU ~~environmental~~ legislation as agreed with EU through bilateral agreements and/or action programmes.
- 911** Projects located in the rest of the world shall comply with the applicable national legislation and this standard which reflects the core principles and essential procedural elements laid down by the EU legislation that the EIB considers relevant regarding health, safety and security. In addition, projects shall, as well comply with as any obligations deriving from the relevant international conventions¹⁶ and multilateral agreements. ~~In addition, and~~ the project shall be designed and operated in alignment with ~~the relevant principles and standards set out in the EU policies and legislation and~~ international good practices.

SPECIFIC REQUIREMENTS

Projects located in the EU and EFTA

- 4012** The promoter shall design and operate the project in compliance with the Health and Safety Management requirements specified in paragraphs 17 to 25.

¹¹ As defined in the EU Taxonomy Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 – <https://eur-lex.europa.eu/eli/reg/2020/852/oj>.

¹² The European Agency for Health and Safety at Work provides a list of the directives, supporting guidelines, standards and relevant national legislation related to Occupational Health and Safety (OHS) applicable in EU member states. <https://osha.europa.eu/en/safety-and-health-legislation>.

¹³ In particular, ILO C155 Occupational Safety and Health Convention & accompanying Recommendation R164; ILO C190 Violence and Harassment Convention & accompanying Recommendation R206; ILO C121 Employment Injury Benefits Convention & accompanying Recommendation R121, the UNECE Convention on the Transboundary Effects of Industrial Accidents and the UN Convention on the Rights of Persons with Disabilities. A list of instruments of the ILO relevant to occupational safety and health is considered in the Annex of the Promotional Framework for Occupational Safety and health Recommendation R197.

¹⁴ <https://osha.europa.eu/en/safety-and-health-legislation/european-guidelines>.

¹⁵ European Standards should be understood as the standards adopted by one of the European standardisation organisations – European Committee for Standardization (CEN), European Committee for Electrotechnical Standardization (CENELEC) and European Telecommunications Standards Institute (ETSI) – following a request from the European Commission.

¹⁶ See footnote 13.

4413 Regarding supply chain workers, the promoter shall apply the requirements of paragraphs ~~66~~ 68 to ~~67-69~~ of this Standard.

4214 When requested, the promoter provides the Bank with the relevant health, safety and security management plans and procedures, as well as, if available, ~~any~~ relevant labour report issued by the national labour inspectorate. The EIB may require the promoter ~~may be required~~ to complement its assessment and its management plans and procedures, in line with EU legislation and the requirement listed in this Standard¹⁷.

Projects located in Candidate and potential Candidate countries and the rest of the world

15 The project shall be designed and operated in compliance with the requirements of paragraphs 17 to 69.

4316 The promoter shall provide the EIB with satisfactory evidence¹⁸ and information on its practices (and, when relevant, those of its contractors and suppliers), both at the project appraisal stage and through regular monitoring, as per contractual obligations, and if and when requested¹⁹.

Health and Safety Management

4417 The promoter shall put in place a well-defined Health and Safety Management System (HSMS) commensurate with the project risks for managing occupational and public health, safety and security including an HSMP, or equivalent which shall take into account the hazards, risks and impacts of the project, as well as international best practice, such as ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001)²⁰.

4518 The HSMS shall have appropriate resources and expertise. Depending on the nature of work and size of the workforce, the promoter and/or the contractor shall assign a dedicated unit or team with the appropriate level of seniority for the above tasks.

4619 Already at the preliminary design stage, the promoter shall identify and assess occupational and public health and safety (including sexual harassment, abuse and exploitation)²¹ risks and impacts arising directly or indirectly from the project at any time during the life cycle of the project, including the use and storage of hazardous materials²². The promoter shall ensure that appropriate attention is given to persons and groups that may be particularly exposed to or vulnerable to such risks based on their socio-economic characteristics.

4720 Based on this assessment, the promoter shall develop and implement the necessary ESMPs, HSMS or equivalent, targeting both occupational and public health and safety considerations. Promoters shall select the controls that are the most feasible, effective and permanent, and select controls based on the hierarchy of risk control: elimination, substitution, engineering controls, administrative controls and finally Personal Protective Equipment (PPE).

4821 These ESMPs shall, where applicable, duly ~~consider-integrate~~ the climate-related risks, including the possibility of extreme weather events, based on good international practices and tailored to the location and sector/industry of the project²³.

4922 The promoter shall adopt a precautionary approach²⁴ and apply adaptive management practices in which the implementation of mitigation and management measures are responsive to changing conditions and the results of project monitoring throughout the project lifecycle (for which risks assessments may be required). The adopted measures shall be commensurate with the nature and magnitude of the identified risks and impacts and shall be applied without

¹⁷ This requirement would notably apply to projects in countries where OHS inspections are limited as compared to inspectorate standards of ILO Conventions n° 81 and 129.

¹⁸ This includes management systems and management plans as well any other document, including reports (such as Corporate occupational safety and health management performance reports and Corporate occupational safety and health management in supply chains reports), or other factual evidence, that will allow the Bank to assess compliance.

¹⁹ In countries where OHS inspections are limited as compared to inspectorate standards of ILO Conventions n° 81 and 129, the EIB may require enhanced monitoring and reporting.

²⁰ https://www.ilo.org/safework/info/standards-and-instruments/WCMS_107727/lang--en/index.html.

²¹ Also, refer to Standard 8, which includes provisions related to harassment, in relation to non-discrimination and equal treatment requirements.

²² Please refer to Standard 3 for additional requirements around hazardous substances.

²³ Please refer to Standard 5 on Climate Change.

²⁴ When an activity raises serious irreversible threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

discrimination²⁵, taking into account differences in risk exposure and the need to protect particularly sensitive risk groups against the dangers, which specifically affect them.

2023 The promoter shall provide to project workers as well as to the project-affected people and communities relevant information, instructions and training in an accessible format. When providing such information, instructions and trainings, the promoter shall include individuals or groups within the workforce or communities that are traditionally excluded or discriminated against due to their socio-economic characteristics²⁶.

24 The promoter shall produce relevant statistics about the project's health and safety performance, including incidents, and make it accessible to the Bank on a regular basis as part of the reporting and monitoring obligations set out by the Bank. Such information shall be disaggregated in order to enable the promoter to take the necessary action.

2425 The promoter shall put in place mechanisms to timely recognise and compensate any person (project worker or member of the public) suffering from an injury or disease that is caused by any project activity, in accordance with national legislation.

Workplace

2226 When providing project workers with a safe, ~~and~~ healthy ~~and hygienic~~ workplace, the promoter shall take into account the needs of women and men, any inherent risks in its particular sector and location, as well as hazards that may be present. The promoter shall pay attention to workplace mental health and wellbeing and work-related psychosocial risks. -The working environment shall respect human dignity, comply with general hygiene norms, and take into account and ensure the physical and mental integrity of project workers. The promoter shall address gender specific risks and requirements, including gender based and sexual violence²⁷.

2327 The promoter shall carry out an assessment commensurate to the level of risk and, where required, develop a project specific health and safety plan, which shall be integrated into the project HSMS. Such assessment shall make due consideration of gender -differences.- The promoter shall regularly review the plan to evaluate its effectiveness in addressing the risks.

2428 The promoter shall ensure that project workers get medical benefits and employment injury benefits (including for occupational diseases)²⁸. ~~are provided with private or public health and accident insurance.~~

2529 The promoter shall require all project workers and all persons accessing the project site (including suppliers, supervisors, visitors), to abide and comply with the applicable health and safety plans.

2630 The promoter shall monitor the health and wellbeing of the project workers, and consult and encourage them to participate in matters related to health and safety in the workplace. As appropriate to the size of the workforce, the promoter shall consider the establishment of Health and Safety Committees, which should include project workers and their representatives. This shall include, although not be limited to, accident reporting and investigation, risk assessment and selection of work equipment.

2731 Where there are specific risks associated with certain work activities that could result in adverse effects on the health and safety of project workers, the promoter shall carry out a risk assessment and make adjustments to prevent injury and ill health, in agreement with the affected workers. The promoter shall put in place systems and processes in order to instruct workers to stop working and to report situations of imminent danger as well as to report any unsafe acts and conditions in the workplace. ~~The~~ The promoter shall not require project workers to return to work until those risks

²⁵ Project workers as well as communities affected by the project must not be subject to unlawful discrimination. Cross-referencing with EIB's Standard 7 is imperative in this respect.

²⁶ Including but not limited to, sex, sexual orientation, gender, gender identity, ethnicity, caste, indigenous or social origin, age, disability religion or belief, political or any other opinion, activism, affiliation to a union or any other form of workers' organisation, nationality, language, marital or family status, medical condition, migrant, minority or economic status.

²⁷ The ILO Convention 190 on Violence and Harassment defines the term "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment. The term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

²⁸ To this end, the promoter may consider to provide workers with private or public health and accident insurance.

have been appropriately mitigated or where possible eliminated. No form of retaliation or reprisal towards those workers shall be tolerated.

Personal Protective Equipment

2832 Based on the assessment Considering the hierarchy of controls referred to in paragraph- 2019, and considering the hierarchy of controls, Project workers shall be provided with appropriate PPE, free of charge. Such equipment shall be certified and suitable for the tasks to be carried out. Consideration shall be given to the specific physical characteristics of project workers.²⁹

Health and Safety Training for Project Workers

2933 The promoter shall take all necessary actions to ensure that project workers are made aware of all risks associated with their work and how to implement protective measures with regard to their health and safety.

3034 The promoter shall provide project workers with adequate, timely and regularly updated training and information material on health and safety issues and procedures. The promoter shall ensure that project workers carrying out any activity in the project site are both trained and qualified.

Community health and safety

3135 The promoter shall identify and assess project-related risks and adverse impacts to the health and safety of the potentially affected people and communities including those who, because of their particular circumstances, may be more vulnerable³⁰. The promoter shall develop protection, prevention and mitigation measures proportionate to the impacts and risks, and appropriate to the stage, size and nature of the project.³¹ The promoter shall cooperate and consult with the relevant authorities, the project-affected community and other stakeholders, as appropriate, on mitigation measures and plans.

3236 Measures to avoid or mitigate community health and safety impacts of the project may be the responsibility of the relevant public authorities. Under these circumstances, the promoter shall clarify its role and its responsibility to the EIB, including in which occasions it is necessary to notify and cooperate with the relevant authorities in accordance with national legislation.

Risks Associated with the Influx of Workers

3337 To the extent possible, the promoter shall take the necessary measures to avoid, mitigate and manage the risks and potential adverse impacts on public health and safety arising from the influx of workers. Such risks and impacts may be associated with changes in population composition, intangible cultural heritage, health implications and exposure to communicable diseases and the increased vulnerability of communities in the area of influence of the project due to increased pressure on already scarce natural resources. In conflict and post-conflict areas, ~~the promoters shall also endeavour to mitigate~~ consider the risks related to the exacerbation of tensions that ~~in-migration~~ the influx of workers can cause.

3438 The promoter shall protect affected people, especially women and children, from sexual harassment, exploitation and abuse in the context of the project. Where appropriate, the promoter shall adopt specific measures to prevent and address gender based violence risks, including the organisation of training and awareness programmes for the project workers and the provision of confidential channels for reporting incidents and providing support. Participation of project workers and their representatives in the development of such measures is recommended.

3539 The promoter shall further find alternative means for remedying significant stress on natural resources caused by the increased population numbers. When relevant, the promoter shall develop an influx management plan³².

²⁹ Including sex, disability and age.

³⁰ This includes, children and youngsters, pregnant women, persons with disabilities, persons with underlying ~~medical conditions~~ health status, persons that do not speak the local languages, etc. To be considered in relation to the vulnerability assessment mentioned in Standard 7.

³¹ For the prevention of major industrial accidents, please refer to the Standard 3 and to the ILO Convention on the Prevention of Major Industrial Accidents C 174 (C174 - Prevention of Major Industrial Accidents Convention, 1993 (No. 174) (ilo.org)) and the relevant ILO Code of Practice (Prevention of major industrial accidents (ilo.org)).

³² An Influx Management Plan is developed when project-induced migration risks are judged to be significant. The Plan should identify and assess the potential environmental and social impacts, as well as health risks within the project and its broader area

Traffic and Road Safety

3640 For all types of projects, traffic and road safety shall be considered at project planning and design to prevent and mitigate risks and impacts throughout the project life cycle. The promoter shall identify, evaluate and monitor the potential traffic and road safety risks to workers, communities and all road users throughout the project life-cycle. To this end, the promoter shall take into consideration road and traffic safety management standards and where appropriate develop measures and plans to address these risks (including relevant EU standards³³ and ISO 39001³⁴). The promoter shall routinely monitor incident and accident reports to identify and resolve problems or negative safety trends and amend relevant plans and systems as appropriately.

3741 The promoter shall undertake a road safety impact assessment (RSIA) and/or road safety audit (RSA) (as relevant for the type of project) for each phase of the project, where applicable and routinely monitor incident and accident reports to identify and resolve problems or negative safety trends.

3842 For projects that operate machinery, plant or equipment on public roads, the promoter shall take the necessary measures to avoid and minimise hazards, risks and impacts to both project workers and members of the public.

Natural hazards and Natural Hazards Triggering Technological Disasters

3943 The promoter shall identify and assess and minimize the potential health and safety risks caused by natural hazards or extreme weather events, such as, but not limited to, floods, droughts, heat waves, landslides, hurricanes, typhoons or earthquakes as relevant to the project. This may require the promoter to carry out an assessment of the vulnerability of the project to risks caused by these events and identify appropriate adaptation and resilience measures to be integrated into the project preparation, implementation and operation, as per Standard 5.

4044 The promoter shall consider the interaction between natural disasters and industrial accidents (NaTech³⁵) and the prevention of, preparedness for and response to industrial accidents including those capable of causing transboundary effects. Preventative measures include land use planning and siting, modification of hazardous activities, disaster risk reduction³⁶, emergency preparedness through contingency planning, and the resilience of project-affected communities to natural and technological disasters.

Exposure to Diseases

4145 During the environmental and social impacts assessment process, the promoter shall identify the risk of exposure to occupational and communicable diseases by both project workers and the people affected by the project and communities. To this end, the promoter shall take into account the differentiated exposure to and/or higher sensitivity of workers and vulnerable certain groups depending on their age, gender, health status and other factors that may lead to higher vulnerability to hazards. Where appropriate such assessment shall take into consideration potential different impacts depending on the gender of the project worker. Where the nature of the project entails significant and/or cumulative public health risks, the promoter may be required, in accordance with Standard 1, to carry out a specific health impact assessment.

4246 To the extent possible, and with the support of OHS professionals, the promoter shall take measures to contribute to avoid or contain the spread of pandemics, epidemics, and any transmission of communicable diseases associated with in-migration the influx of workers, such as SARs-CoV-2, malaria, tuberculosis, sexually transmitted diseases (including HIV/AIDS) etc³⁷. To

of influence; propose appropriate interventions; and provide recommendations for project design and management. It should identify the stakeholders involved (defining their capacities and responsibilities); establish the monitoring, evaluation and reporting requirements; define the stakeholder engagement and public consultation and communication actions to be undertaken; and present a budget.

³³ European standards in the area of traffic and road safety include those relevant to technical conditions of vehicles, safety of road infrastructure including Directive 2019/1936 amending Directive 2008/96/EC on road infrastructure safety management.

³⁴ ISO 39001:2012 Road traffic safety (RTS) management systems.

³⁵ Natech accidents are Natural Hazard Triggering Technological Disasters. It refers to the impacts of natural hazard events on chemical installations, pipelines, offshore platforms and other infrastructure that process, store or transport dangerous substances can cause fires, explosions and toxic or radioactive releases.

³⁶ Sendai Framework for Disaster Risk Reduction 2015-2030.

³⁷ The promoter can make use of management systems specifically put in place to address safe working during specific pandemics or epidemics, such as the ISO/PAS 45005:2020 Occupational health and safety management — General guidelines for safe

this end, the promoter shall organise training and awareness programmes, and ensure that codes of conduct (for workers and people living in labour camps if any) are implemented. Furthermore, the promoter shall endeavour to work with public authorities and other stakeholders (such as NGOs) and build upon existing measures to implement public programmes and policies that shall raise public's awareness and understanding of communicable and preventable diseases effectively countering their spread.

4347 Where specific diseases are endemic in the project location, the promoter is encouraged to identify opportunities throughout the EIB's project cycle to help reduce their incidence, both among project workers and project-affected people and communities, taking into consideration differentiated exposure to and higher sensitivity of vulnerable groups. Coordination with the relevant national health authorities may be required.

Essential Sanitary Facilities

4448 The promoter shall ensure that all project workers have access to adequate, safe and hygienic basic wellbeing-welfare facilities³⁸. The promoter shall provide basic occupational health services including drinking water, sanitation and washing facilities³⁹.

4549 The promoter shall provide qualified first-aid at all times. In certain cases when the scale or the nature of the activity being carried out so requires, availability of medical care shall be provided, based on the principles of non-discrimination and equal opportunity⁴⁰.

4650 In providing the above, the promoter shall take into account any gender specific requirements alongside those of persons with disabilities.

Worker Accommodation

4751 Where a promoter provides accommodation for project workers⁴¹, the promoter shall put in place and implement policies governing the quality and management of the accommodation and provision of basic services⁴² which must be adequate, safe and hygienic. The accommodation services shall be provided in accordance with good industry practice, such as ILO Workers' Housing Recommendation 1961 (No. 115), and in a manner consistent with the principles of non-discrimination and equal opportunity⁴³. The promoter shall take into account the specific requirements of women and persons with disabilities.

4852 The promoter shall ensure that above-mentioned provisions include safeguards against sexual harassment and exploitation and other forms of gender-based violence.

4953 Workers' freedom of movement to and from the promoter-provided accommodation shall not be unreasonably restricted.

Security

5054 All project-related security management arrangements introduced and delivered either by public law and order and security forces or private service providers shall respect human rights and fundamental freedoms. The promoter shall be guided by best international practice (e.g. the UN Voluntary Principles on Security and Human Rights⁴⁴, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials⁴⁵, the UN Code of Conduct for Law Enforcement Officials⁴⁶ and the International Code of Conduct on Private Security Providers)⁴⁷.

working during the COVID-19 pandemic (ISO - ISO/PAS 45005:2020 - Occupational health and safety management — General guidelines for safe working during the COVID-19 pandemic).

³⁸ In alignment with the ILO Welfare Facilities Recommendation, 1956 (No. 102).

³⁹ For more reference see the ILO Occupational Health Services Convention, 1985 (No. 161).

⁴⁰ Article 21 of the Charter of Fundamental Rights if the European Union recognises the rights to non-discrimination. Cross-referencing with EIB's Standard 7 is imperative in this respect.

⁴¹ These services can be provided either by the promoter directly, or by third parties.

⁴² Including minimum space for each worker, supply of water, adequate sewage and garbage disposal system, appropriate protection against heat, cold, damp, noise, fire and other hazards, adequate sanitary and washing facilities, ventilation, cooking and storage facilities and natural and artificial lighting, provision of first care and basic medical services.

⁴³ Article 21 of the Charter of Fundamental Rights if the European Union recognises the rights to non-discrimination. Cross-referencing with EIB's Standard 7 is imperative in this respect.

⁴⁴ <https://www.voluntaryprinciples.org/>.

⁴⁵ <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

⁴⁶ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>.

⁴⁷ https://www.icoca.ch/en/the_icoc.

5455 The promoter shall identify and assess the security risks and threats to the project assets, and the workforce and the wider community, in connection with the project. The assessment should be part of the environmental and social impact assessment referred to in Standard 1. Where risks have been identified, legitimate and proportionate security arrangements shall be put in place. Such security arrangements shall be defined in the HSMP and implemented in accordance with good international practice;

5256 The promoter shall ensure that the security arrangements, whether privately outsourced or publicly provided, do not create security risks and impacts upon workers, suppliers, or local communities. Particular attention shall be given to persons or communities that are traditionally discriminated against based on their socio-economic characteristics, in and surrounding the project area.

5357 The promoter is expected to comply with applicable law and to be guided by the principle of proportionality⁴⁸ and legitimate use of force, and good international practice when hiring, training, equipping and monitoring security personnel as well as when setting the rules for their conduct. Specifically, best international practice stated in paragraph **52-54** shall be the basis for the development and observance of relevant codes of conduct for security forces and all other security management arrangements on site. As such, the promoter shall ensure that security personnel is fully informed of the rules of conduct applicable to them and should seek public disclosure of security arrangements, subject to overriding security concerns.

5458 If security services are the responsibility of the relevant governmental authorities, the promoter shall collaborate, to the extent permitted, with the responsible government authority to achieve the outcomes that are consistent with this Standard. The promoter shall identify and assess potential risks arising from the use of such services, communicate to the relevant public authorities its intent that the security personnel act in a manner consistent with paragraph **5557**, and encourage the relevant public authorities to disclose the security arrangements for the promoter's facilities to the public, subject to overriding security concerns.

5559 The promoter should incorporate the requirements stated in paragraph **52-54** to **56-8** above in the contracts and other agreements to be signed with the security providers. When privately contracted, the promoter shall make reasonable efforts to determine that no member of the security personnel has been linked to past serious abuses.

Information Dissemination and Consultation

5660 The promoter shall ensure that both project workers and project-affected people and communities have been properly identified, consulted and informed in an accessible format of their rights in terms of health, safety and security- (~~refer pursuant~~ to Standard 2 on Stakeholder Engagement). The promoter shall further ensure that they can freely convene and express their views on project risks, impacts and the proposed health and safety management plans. Due attention should be paid to reaching out to individuals or groups within the project-affected communities that are vulnerable, marginalised, systematically discriminated against or excluded on the basis of their socioeconomic characteristics and Indigenous Peoples in the local communities (~~refer in accordance~~ with Standard 7) and ensuring that risks to them have been adequately identified and protective and mitigation measure communicated.

Grievance Mechanism

5761 As considered in Standard 8 the promoter shall set up an effective, culturally appropriate and gender-responsive grievance mechanism for project workers (and their organisations, where they exist) to raise reasonable workplace concerns. The promoter shall also grant ~~project workers and~~ members of the project-affected communities⁴⁹ free and easy access to an independent, effective and free of reprisals grievance mechanism in line with the requirements defined in Standard 2. ~~The Both~~ mechanisms shall address their health and safety concerns in a timely and effective manner and shall not impede access to other redress mechanisms, such as judicial, administrative and labour inspectorates or extrajudicial means of complaint. The promoter shall duly inform workers and project-community members of the existence of ~~these~~ grievance mechanisms.

⁴⁸ The principle of proportionality states that responses should be proportional to the good that can be achieved and the harm that may be caused.

⁴⁹ As per Standard 2.

5862 The promoter shall ensure that their grievance mechanisms⁵⁰ can be used by affected communities and workers to report security concerns as well as allegations of abuses or unlawful acts by the security personnel. The promoter shall investigate such allegations, report to the public authorities when relevant and take appropriate measures to avoid reoccurrence.

Accident and Incident Reporting System

5963 Before project construction and operation, the promoter shall establish project level procedures and systems for investigating, recording and reporting any type of accident and incident including those causing harm to people⁵⁰. These accidents can happen at the site, as well as within the project influence area, as a direct consequence of the implementation works or project activities. Project related road and traffic accidents shall also be reported to the EIB.⁵¹ The mechanism shall address the health and safety concerns of the workers and member of the public in a timely and effective manner and shall not impede access to other redress mechanisms, such as judicial, administrative or extrajudicial means of complaint.

6064 In case of accidents, near-misses, dangerous occurrences, breach of relevant health and safety legislation, injuries, permanent disabilities, ill-health or fatalities occurring in relation to the project - the promoter shall investigate, document and analyse the findings and take due actions to prevent its reoccurrence and where required by national law, notify and cooperate with the relevant authorities.

6465 After the occurrence of any major accident, an investigation needs to take place, by the Promoter and/or the competent authority. The Bank may require the promoter that an independent third party investigates the root causes of the accident and defines together with the promoter an action plan to correct any potential weakness, as relevant.

Third Party Workers

6266 The promoter shall ensure that the requirements of this Standard are applied to all workers, including those employed or engaged by contractors, subcontractors and any other third party or intermediary. To this end the promoter shall:

- Prior to contracting, assess the capacity of these contractors or intermediaries to implement the requirements of this Standard.
- Formally require these contractors or intermediaries through appropriate contractual clauses to apply the requirements of this standards⁵² and to request similar commitment from their subcontractors.
- When contractor or intermediaries lack the capacity to implement the requirements of this standard, formally require them to hire competent agencies to ensure compliance.

6367 The promoter shall put in place appropriate policies and procedures for managing and monitoring the performance of third party employers. These policies and procedures should be commensurate with the size of the project and workforce.

Supply Chain Workers

6468 The promoter shall make reasonable efforts to assess if there are significant health and safety risks associated with the workers of the primary supplier of the goods and materials central to the core functions of the project. Where there are significant health and safety risks related to supply chain workers, the promoter shall resort to a primary supplier that can prove is compliant with this standard⁵³. The promoter shall require the relevant primary supplier to introduce procedures and mitigation measures to address such risks. The promoter shall periodically monitor and review the effectiveness of such procedures and mitigation measures.

6569 If the health and safety risks are identified in relation to an existing primary supplier, the promoter shall engage with the relevant primary supplier in order to take the appropriate steps to

⁵⁰ In doing this, the promoter shall consider that different authorities may be responsible for accidents happening to project workers and accidents affecting the public.

⁵¹ The investigation should address in depth the circumstances, in order to confirm that immediate and casual causes have been identified, and be provided to the Bank in as part of the reporting and monitoring obligations set out by the Bank.

⁵² For projects outside the EU, promoters are required to include an Environmental & Social covenant, as per EIB Guide to Procurement, Paragraph 3.8.

⁵³ For projects outside of the EU, promoters are required to include an Environmental & Social covenant, as per EIB Guide to Procurement, Paragraph 3.8.

remediate and eliminate such practices in a satisfactory manner and within a reasonable time frame. In this process, the ability of the promoter to get the primary supplier to address these risks depends on the level of influence and control of the promoter over its primary suppliers. Should the promoter not receive evidence of remediation, or when remedy proves to be impossible, the promoter shall resort, within a reasonable timeframe agreed with the EIB in consideration of the existing contractual relations, to different primary suppliers that can prove to be compliant with the requirements set out in this Standard.

DRAFT