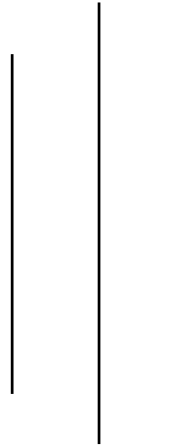




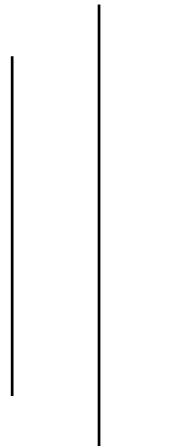
UNIVERSITY GRANTS COMMISSION

NURTURING EXCELLENCE IN HIGHER EDUCATION PROGRAM (NEHEP)

2021/22 – 2025/26



LABOR MANAGEMENT PROCEDURES (LMP)



MAY, 2022

ACRONYMS

DLI	DISBURSEMENT LINKED INDICATORS
DLR	DISBURSEMENT LINKED RESULTS
EMIS	EDUCATIONAL MANAGEMENT INFORMATION SYSTEM
ESF	ENVIRONMENTAL AND SOCIAL FRAMEWORK
EMP	ENVIRONMENTAL MANAGEMENT PLAN
EPA	ENVIRONMENT PROTECTION ACT
EPR	ENVIRONMENT PROTECTION RULES
GBV	GENDER BASED VIOLENCE
GON	GOVERNMENT OF NEPAL
GRM	GRIEVANCE REDRESS MECHANISM
HEI	HIGHER EDUCATION INSTITUTION
ICT	INFORMATION AND COMMUNICATIONS TECHNOLOGY
IPF	INVESTMENT PROJECT FINANCING
ILO	INTERNATIONAL LABOUR ORGANIZATION
IVA	INDEPENDENT VERIFICATION AGENCY
LMP	LABOUR MANAGEMENT PROCEDURES
M & E	MONITORING AND EVALUATION
MIC	MIDDLE INCOME COUNTRIES
MOEST	MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY
NEHEP	NURTURING EXCELLENCE IN HIGHER EDUCATION PROGRAM
OHS	OCCUPATIONAL HEALTH AND SAFETY
P FOR R	PROGRAM FOR RESULTS
PSP	PROFESSIONAL SERVICE PROVIDER
PSS	PROGRAM SUPPORT SECRETARIAT
QAA/QE	QUALITY ASSURANCE AND ACCREDITATION/QUALITY ENHANCEMENT
SEA/SH	SEXUAL EXPLOITATION AND ABUSE/ SEXUAL HARASSMENT
UGC	UNIVERSITY GRANTS COMMISSION
WB	WORLD BANK

1. DESCRIPTION OF THE PROGRAM

The Nurturing Excellence in Higher Education is a hybrid PforR with an IPF component. The PforR will strategically support a sub-set of the government’s National Higher Education Program (NHEP 2021/22 - 2025/26) leveraging the Results-based Financing (RBF) and technical support. The disbursement linked indicators (DLIs) will enhance the incentive for achieving selected priority reforms.

The IPF component, to which this LMPs apply, will support capacity building, program management, and M&E. The capacity building activities will support: (a) the Ministry of Education, Science and Technology (MOEST), University Grant Commission (UGC) and Tribhuvan University (through the provision of Grants) in strengthening their core regulatory and financing functions in higher education sector, including capacity building activities for, *inter alia*, Quality Assurance and Accreditation/Quality Enhancement (QAA/QE) systems; autonomy and affiliation; research, innovation and patents; standardization of teaching/learning; accountability and competitive financing; digitization and connectivity; establishing partnership; and twinning arrangements with international universities. (b) implementation of all activities of the Program including fiduciary and environment and social (E&S) management, M&E, strengthening the UGC Education Management Information System (EMIS), undertaking assessments and evaluation studies, and commissioning the Independent Verification Agency (IVA).

The IPF component will have a budget allocation of US\$ 3.0 million and finance the costs of program activities including, but not limited to, the following: (NEHEP PAD, Annex 9.IPF Component)

Table-1: Project Management and Capacity Development Activities under IPF Component

Activities	Indicative Costs	Description
1. Hiring of technical specialists, assistants and staff under non-consulting services	US\$1.0 million	The UGC and subsidiary implementing agencies will hire an adequate number of technical specialists/ other assistants based on the needs to (a) strengthen the existing program implementation/monitoring capacity and (b) provide necessary technical capacity for the achievement of program results. International specialists may be sourced to bring in international expertise. Technical specialists may include, among others, procurement/FM specialists, E&S safeguard specialist, M&E specialist, ICT/EMIS specialist, HR specialist, QAA/QE specialist, program management and coordination specialist, entrepreneurship specialist, and other needs-based specialists including under non-consulting services.
2. Recruitment of an Independent Verification Agency (IVA)	US\$0.5 million	The PIU will recruit an IVA for third party verification and reporting of DLI achievements.

3. Purchase of goods and services for the operation of the PIU offices at UGC and TU	US\$0.5 million	The PIU will purchase necessary goods and services to ensure the smooth operation of the PIU offices at UGC and TU. Goods and services to be procured would include, but not limited to, (a) office equipment and furniture/fixture for the PIU offices; (b) internet connectivity and devices; (c) other consumables.
4. Surveys, evaluation studies, and needs assessments	US\$0.5 million	The UGC will commission various surveys, evaluation studies, and needs assessments for the effective implementation and evaluation of the reform actions as explained in the PAP and according to needs which will be further agreed upon in subsequent review missions and MTR. Three rounds of beneficiary feedback surveys will be commissioned.
5. Knowledge sharing, regional and international exposures	US\$0.5 million	The UGC will organize knowledge sharing sessions and consultation workshops to gather knowledge and disseminate good practices to higher education stakeholders. Regional and international exposure visits will be organized in consultation with the World Bank and with the Ministry of Finance concurrence to gain knowledge about current good practices and technologies in other countries in the region and beyond.

2. OBJECTIVES OF LMP

This LMP applies to the activities envisaged under the IPF component of the project. The main objective of the LMP is to identify the resources and the labor issues associated with the IPF component activities. The workers envisaged under the IPF component activities are Direct workers such as technical specialists and assistants hired to work for UGC/MOEST, and workers recruited from the Independent Verification Agency (IVA), and Contracted workers for installing office equipment and furniture/fixture for the UGC and TU/PIU and internet connectivity and devices. The LMP sets out the way in which workers will be managed, in accordance with the requirements of national laws and ESS2. Specifically, the LMP helps to: (a) identify the types of workers who are to be involved in the IPF component activities ; and (b) sets out the ways of meeting the requirements of ESS2 that apply to the workers.

3. SCOPE OF LMP

The LMP will be prepared and implemented with due consideration to the requirements of national laws and as per the WB ESF Environment and Social Standards (ESS2). The scope of work under IPF component activities are capacity building, program management and M & E support to UGC/MOEST. The minimum age for employment by the Government is 18 years, which shall be the minimum age for anyone recruited to work under the IPF component activities as well. Specifically, the LMP will outline ways and develop required documents to: i. Promote safety and health at workplaces; ii. Promote the fair treatment, non-discrimination and equal opportunity of program workers and other stakeholders; and iii. Develop programs to build capacity of program staff to create a safe and healthy working environment. The LMP will be reviewed and updated throughout development and implementation of the IPF program activities.

4. OVERVIEW OF LABOR USE

The IPF component activities will involve program affiliated Higher Education Institutes (HEIs) over the program duration period. Apart from the core staff of the University Grants Commission (UGC) – the implementing agency of this program, other personnel involved in this program will be professional service providers¹ (direct workers) hired by the UGC as well as the staff and faculties employed by the Higher Education Institutions (HEIs), all of whom will be above the age 18. This will likely be a very diverse group in terms of caste/ethnicity, age, gender, nationality, geography, and religious and cultural beliefs. These professional service providers will be employed at various stages and for various activities as required during the program period. The direct workers and contracted workers and their involvement in different activities are specified in Table 1 below.

Table-2: Project Worker’s Description

SN	Category	Description	Number of workers	Period of involvement
1.	Direct Workers	<p>1. Staff hired and deputed by UGC.</p> <p>- Procurement/FM specialists, E&S safeguard specialist, M&E specialist, ICT/EMIS specialist, HR specialist, QAA/QE specialist, program management and coordination specialist, Independent Verification Agents (IVA)</p>	<p>1. About 50 numbers of UGC staff along with PSS TBD.</p> <p>2. Number of experts/specialists TBD.</p> <p>3. IVAs TBD.</p> <p>(Key experts - 5 number and Non-key experts - 3 numbers)</p>	<p>During Project implementation stage</p> <p>Recruitment of IVAs during DLIs verification stage</p>
2.	Contracted Workers	ICT/equipment installment workers (PSS will purchase; office equipment and furniture/fixture, internet connectivity and devices and other consumables)	<p>TBD</p> <p>(UGC will fill up data/number of staffs)</p>	During Project Implementation stage

The program period will run from September 2021 till August 2026, hence the exact number of professional service providers to be deployed for the above-mentioned activities is difficult to predict and will depend on the number of HEIs engaged and the nature of the work proposed by them during

¹ Professional Service Providers engaged with different activities of the UGC are of different categories such as coordinators and members of various clusters, Research Council members, QAA Council members, and members of QAA Technical Committee, etc.

the program. However, the UGC will ensure that the required number of professional service providers will be employed as and when deemed necessary for various purposes throughout the program period. Similarly, the numbers of staff and professional service providers at the targeted HEIs will be determined and engaged according to the nature of works proposed by the HEIs.

5. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Given the nature of the program, it will mostly engage Direct workers (professionals, experts, trainers) and Contracted Workers to implement the activities of the program under the IPF component. As the beneficiary institutions are HEIs (academic institutions) it can be assumed that the potential risks likely to be associated with Direct workers and Contracted Workers will be minimal. Nevertheless, other risks related to Occupational Health and Safety (slip, falls and fire) of workers, workplace SEA/SH and COVID-19 related risks and threats need to be carefully assessed, managed, and appropriate actions implemented by the program affiliated HEIs that are the ultimate implementing agencies for this Program. Some of those likely risks are:

- Risks due to transmission of diseases including infection of Covid-19 in the HEIs,
- Risks of discriminations against workers on the grounds of age, gender, caste/ethnicities, wage rates, other monetary benefits etc.; and
- Risks leading to exploitation of laborers such as no or delayed payments of wages/salaries as well as risk related to GBV, SEA/SH in the workplace.

The occurrence of the above-mentioned risks will be minimized by adhering to the program-specific code of conduct and other already existing guidelines relevant to NEHEP activities. The Program staff will also be instructed to comply with Covid-19 related and similar other relevant protocols developed by the UGC or relevant ministries, authorities and/or local governments.

6. BRIEF OVERVIEW OF LABOR LEGISLATION

There are several policies and acts related to ensuring labor rights and safety that the Government of Nepal has adopted and is implementing. The National Labor Policy of 1999 is the first of such policies that is in place with the aim of streamlining the labor sector along with the International Labor Organization's (ILO) basic guidelines. In the preamble of Labor Act of 2017, clearly mentioned the need to provide for rights, interests and benefits of labors, develop good labor relations by making explicit provisions on the rights and duties of labors and employers and increase productivity by ending all forms of labor exploitation. There are also many provisions related to the labor. For example, clause 3: to remain as minimum standards; clause 4: prohibition on employing in forced labor; clause 6: prohibition of discrimination (on the ground of religion, color, sex, caste, tribe, origin, language, ideological conviction or other similar ground); clause 7: prohibition on discrimination in remuneration for equal work; clause 8: right relating to trade union; clause 9: right to remedy; clause 68: formulation of safety and health policy; clause 74: to form safety and health committee, etc.

Nepal has also ratified several ILO Conventions asserting various rights of labor. They include, Forced Labor Convention 1930 (No. 29); Right to Organize and Collective Bargaining 1949 (No. 98); Equal

Remuneration 1951 (No.100); Abolition of Forced Labor Convention 1957 (105); Discrimination (Employment and Occupation), 1958 (No. 111); Minimum Age, 1973 (No.138); Worst Forms of Child Labor, 1999 (No.182); Tripartite Consultant (International Labor Standard), 1976 (No.144); Weekly Rest (Industry) Convention 1921 (No. 14); Minimum Wage Fixing, 1970 (No.131); and Indigenous and Tribal Peoples Convention 1989 (No. 169).

In addition, the Constitution of Nepal (2015) has several provisions that aim to protect the fundamental rights of labor (Part-3: clauses 16-48) such as, Rights against exploitation (clause 29); Right to clean and healthy environment (clause 30(1)); Right to labor (clause 34); fair labor practice including appropriate remuneration/wage, facilities and contribution on social security, and Policies relating to labor and employment.

7. OCCUPATIONAL HEALTH AND SAFETY (OHS)

All the above policies, acts, and guidelines, as well as the various provisions of the World Bank, shall be the guiding legal documents on professional service providers and their working conditions for the Program. For example, the Bank's Environmental and Social Standards 2 (Labor and Working Conditions) spells out the details of the enabling working conditions of labor deployed in program activities. Also, EPA 2076 and EPR 2077 have provisions about assessment of environmental impacts, including the socio-economic impacts on labor, occupational health and safety issues, both in construction and operation phase of the proposed projects. EPA 2076 also has provisions about the development of Environmental Management Plan (EMP) of proposed development projects. The EMP demands making identification and management of labor, occupational health and safety issues. These provisions include measures to ensure the safety and health of all employees and labors including mitigation of health-related risks due to the exposure in the workplace and will be very relevant to the Program in minimizing potential risks related with various health hazards in the work place. The Occupational Health and Safety measures and compliance requirements include mainly the followings:

- identification of potential hazards to program workers,
- provision of preventive and protective measures,
- training of program workers and maintenance of training records;
- emergency prevention and preparedness and response arrangements to emergency situations; and
- remedies for adverse impacts such as occupational injuries, deaths, disability and disease.

In Addition, as mentioned above, UGC, in alliance with the relevant ministries and authorities of GoN, has already developed a detailed COVID-19 protocol, which is expected to act as the guiding document for all the HEIs for implementing OHS measures in the current context. The COVID-19 protocol is attached as one of the supporting documents for this LMP in Annex 1.

8. RESPONSIBLE STAFF

The overall supervision of the Program will be done by the PSS or designated similar structure of the UGC. The secretariat will be responsible for all the necessary backstopping, communicating, coordinating, and facilitating different aspects of the program. Under the guidance of PSS, respective divisions within the UGC will be responsible for implementing and monitoring various activities under the IPF component of the program.

A team of experts responsible for environmental and social management aspects has been formed. The team will be working closely both with the UGC and the WB for designing, planning and implementing environmental and social concerns including activities involved in labor management of the Program.

The relevant units and the professional service providers employed by the UGC will work closely with the HEIs – the beneficiaries and the implementing agencies of this Program, and help them carry out the various activities of this Program through interactions, capacity building trainings and awareness raising programs conducted throughout the program period.

Further, PSP will facilitate the establishment of a Grievance Management Mechanism at the participating HEIs, that will justly and fairly address various grievances the workers might have at the respective workplaces.

9. GRIEVANCE REDRESSAL MECHANISM (GRM)

The University Grants Commission (UGC), the main implementing agency, has established a dedicated GRM unit headed by Chairman of UGC including Secretary, four experts and the focal person that covers the whole program (including the IPF component) and all workers of the IPF component will have access to it. The respective division head may be the invitee to discuss and resolution of the registered grievances at UGC. Similarly, UGC will facilitate for developing/establishing a similar type of GRM unit at the program implementing sub-agencies (i.e HEIs level). The information of a GRM committee in the UGC/PSS has been made public in the UGC website, digital citizen charter, UGC notice board and through radio and newspaper on a periodic basis. The GRM committee is responsible for the redressal of any grievances that is registered at Central Level (UGC). Complaints boxes have also been put up at UGC to allow aggrieved person/entities to file a grievance. For program activities that are carried out in HEIs, a separate GRM will be established with a dedicated focal person to handle the grievances. The existing GRM of UGC consists of seven members, which is fully responsible to handle all the environmental/social issues relating to the program activities.

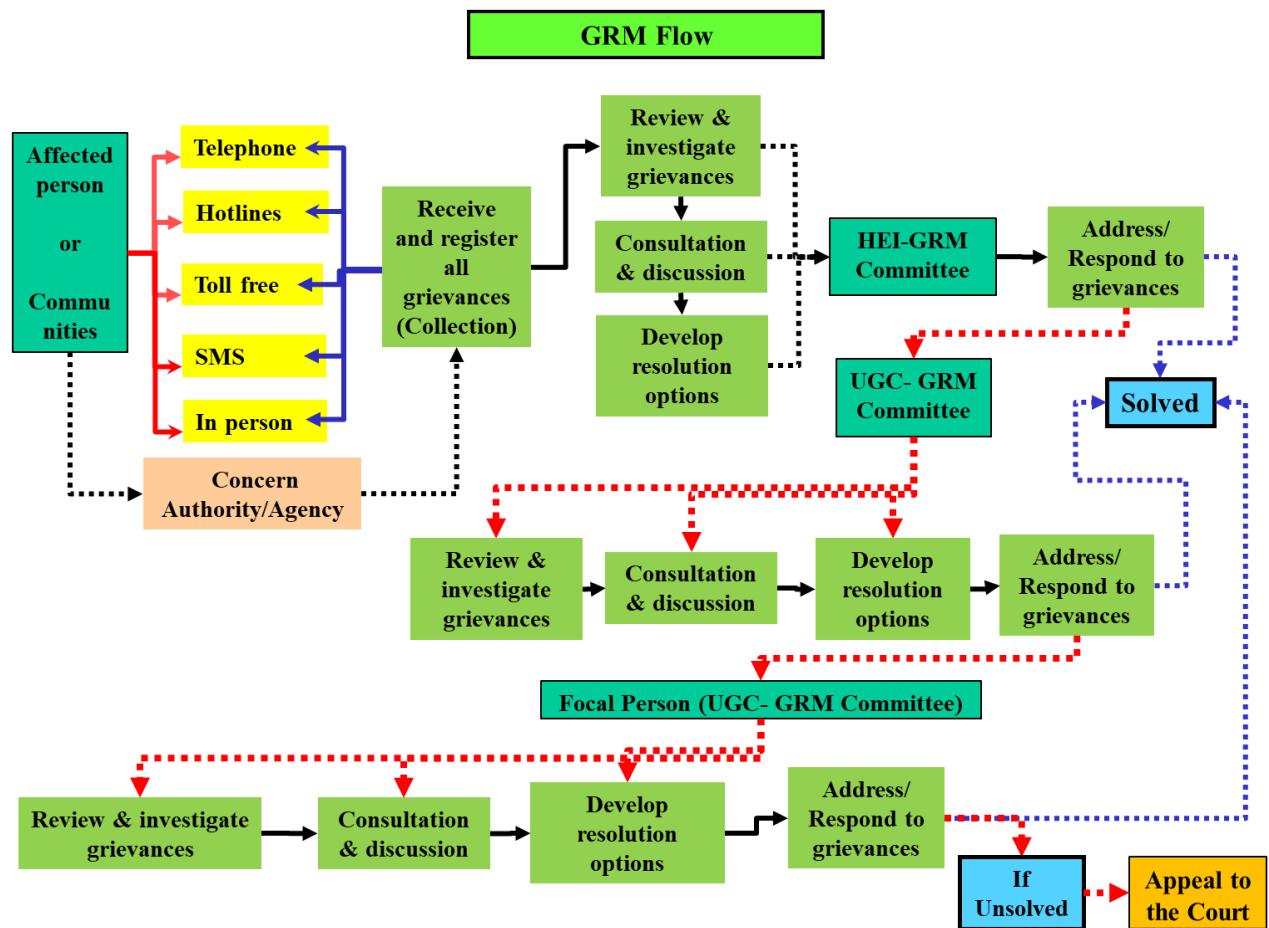
As component of P for R, the program will strengthen the GRM system to ensure systematic handling of any grievance received. A guideline will be drafted for grievance redress system with clearly defined roles and responsibilities (Grievance Redress Committee) and timelines, which will be adhered to under the TA component. Information on GRM will be widely circulated regarding registration of complaints/grievances. The registration will be through different channels such as text message-based, web and phone-based platforms with coordination to the mapping service provider. The program will

track grievance throughout the processing cycle to reflect their status and other important details. A quarterly report on related grievances will be shared with the World Bank team.

The GRM will include the following steps:

- i. Receive and register all grievances (Collection): Grievances may be received either orally or in writing through telephone hotlines/toll free numbers and SMS. The program staff involved in handling grievances or other staff that have direct contact with affected communities may also register complaints. They may file the complaint anonymously.
- ii. Review and investigate grievances: This step includes the compilation and categorisation of the received complaints depending upon their nature and complexity. Afterwards, the focal person validates the complaint and arranges for investigation by concerned units or departments within two weeks.
- iii. Consultation and discussion: Grievances will be categorized based on the nature of event. Immediate action will be taken in the case of Gender based violence (GBV), the focal person refers the survivor to relevant mapped GBV service provider in the area.
- iv. Develop resolution options: The focal person brings the issue to the committee for addressal options and deliberations within two weeks.
- v. Address/Respond to grievances: The committee addresses the grievances, and the focal person communicates to the victim, advising of findings and the outcome within twenty four hours.
- vi. Appeal to the Court: If the grievance remains open or the person is not satisfied with the decision of the GRM committee, then the victim will have the option to appeal to the court.

Details of GRM addressal are presented in the flow chart below:



SUPPORTING DOCUMENTS

The following documents will work as reference materials for the implementation of LMP.

1. UGC Act, 2050
2. Labor Act, 2017
3. The Constitution of Nepal, 2015
4. Guidelines for Environmental and Social Risk Management for Responding to COVID-19 Activities
5. Environmental and Social Management Screening Format (developed by UGC for HERP)
6. The Environment Protection Act, 2019 (2076)
7. The Environment Protection Rules, 2020 (2077)
8. Directives for Alternative Mode of Learning for Higher Education, 2020
9. Quality Assurance and Accreditation for Higher Educational Institutions in Nepal: A Brief Guideline
10. Research Development and Innovation Programs Implementation Guidelines, 2021

Annex 1

GUIDELINE ON ENVIRONMENTAL & SOCIAL RISK MANAGEMENT FOR RESPONDING TO COVID-19

Introduction

University Grants Commission (UGC) has successfully implemented Higher Education Reform Project (HERP) and prepared National Program for Higher Education Reform and Development (NPHRD) to address the issues and needs of higher education reform and development in Nepal. The program was developed for performing endeavors related to the reform of higher education in Nepal through a series of interventions on the aspects such as bringing systemic, institutional and academic reforms; developing national hubs of academic excellence; strengthening of governance and management capacities of Higher Education Institutions (HEIs) and enhancing effectiveness and efficiency of government funding in higher education. Higher Education Reforms Project (HERP) was initiated with the aim of facilitating implementation of the reform components of NPHRD with a soft loan aid of the World Bank. The project development objective of the HERP was improving quality, relevance, and efficiency of higher education; and to assist under-privileged students for equitable access”. The project was implemented from May 22, 2015 to December 31, 2020. The total allocated budget for the project was SDR 42.9 million. The project was restructured twice. The first restructuring simplified the Quality Assurance and Accreditation (QAA) process and aligned institutional autonomy towards academic autonomy. The second restructuring completed in June 2020 to respond to the COVID 19 pandemic. SDR 2.85 million was reallocated for the COVID 19 response. The completion time was extended to additional six months from June 30, 2020 to December 31, 2020 due to COVID.

The project implementing agency must implement the project activities in accordance with prevailing rules and regulation of the country as well as the World Bank Environmental and Social Standards (ESSs). So, the implementing agency assessed some of the upcoming issues relating to the Environmental and Social activities especially relating to the online learning management system in higher education as a response to Covid-19 pandemic.

Objective

The objective of the guidelines is to ensure that the risks and impacts of the higher education reform program activities carried out in response to covid-19 activities are identified and mitigated. In particular, the objective is to promote environmental and social sustainability in the Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision making relating to the Program’s environmental and social impacts. This theme will be carried forward to the “Nurturing Excellence in Higher Education Project”[2021/22- 2025/26]. The implementing agency should follow this environmental and social guideline for responding to COVID-19 if any

additional structures and/or platforms are to be constructed and they are likely to have some environmental and social impacts.

Methodology

This guideline is prepared based on the review of Environmental protection Act 2019, Environmental Protection Regulation 2020, Environment and Social System Assessment 2021 prepared by the World Bank, and the virtual consultation with environmental and social Expert team of UGC.

Environmental and Social Guidelines Relating to COVID-19

The Government of Nepal's (GoN) has successfully implemented Higher Education Reforms Project (HERP) through UGC and the Nurturing Excellence in Higher Education Project has been designed and negotiation between government of Nepal and the World Bank has taken place and it is in the process of approval. Given the nature support program and low probability of needing extra space for activities related to addressing covid-19 crisis, no major environmental and social impacts are envisaged. However, the following principles relating to the implementation of the program/activities have been developed.

1. The grants receiving Higher Education Institution should follow the Government of Nepal's prevailing acts, rules and regulations related to Environment and Social sector development. Depending upon the nature of impact as outlined by environment acts and regulations of the government of Nepal an assessment of the project impacts should be made along with their mitigation measures.
2. If implementation of any activity is likely to impact vulnerable communities the HEI should develop Vulnerable Community Development Framework and share it to all stakeholders.
3. Every entity should establish a grievance redress mechanism i.e., formation of a grievance redress committee within organization.
4. If the activity requires involvement of labor force esp. in civil works, the provisions as per existing Labor Act and Labor Rules should be made.
5. Awareness campaign about the project, especially focusing on vulnerable groups including women. Share information about the project scope and benefits in Nepali language and local languages, if relevant. The communications strategy developed for the project will include mechanisms to ensure that women are aware of the projects. Awareness in Gender and Social Inclusion (GESI); Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH); information dissemination, communication and stakeholder engagement.

6. Preparation and publicly disclosure of Environmental and Social Commitment Plan is necessary.
7. Use of child labor and forced labor is strictly prohibited in any activities supported under higher education reform project. Occupational Health and Safety (OHS) guidelines should be followed and should be publicly disclosed.

Provisions Related to Learning Management System.

- Develop and share of environmental and social screening and monitoring and reporting timeframe.
- Disseminate activities related to environment and social aspects of the project through regular orientation programs organized for recipient institutions head, executive committee of colleges, relevant staff at UGC, TU and other universities.
- Prepare code of conduct related to online learning management system.
- Follow the standard process in procurement of ICT equipment/items etc. for digitization and make sure that the equipment produces minimal amounts of e-waste.
- Prepare and follow of the legal provision relating to proper management and disposal of e-waste material.
- The framework developed by the grant recipient HEI should clearly document implementation plan and specify clear institutional responsibilities for coordination, implementation, monitoring and reporting so that the associated environmental and social risks are managed and mitigated.
- Develop and implement SEA/SH related sensitization and awareness programs in response to COVID-19.
- Ensure women's participation in meetings, public consultations, and third party monitoring. Also develop institutional mechanisms and introduce activities to address gender-based violence in academic institutions.
- Form a special committee to address GBV-related issues comprising of both men and women in the universities/campuses. Launch various programs against gender violence within and possible outside the academic institutions.
- Promote female students' committee/club to conduct various activities to sensitize the academic community and local stakeholders on gender issues relating to higher education. Launch various programs against caste and gender-based discrimination.
- Provide support services to address issues of women's health. Establish a primary health care unit in a separate room with necessary physical facilities and resources.
- Prepare a Code of Conduct for online teaching learning management System, online examination system in accordance to the respective University protocol. Promote inter University linkages and provisions of sharing of e-resources to the students.

