



Republic of Kenya

Ministry of Health (MOH)

**Building Resilient & Responsive Health Systems (BREHS)
(P179698)**

Negotiated Environmental & Social Commitment Plan (ESCP)

January 2024

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Ministry of Health (MOH) through the State Department of Public Health and Professional Standards is implementing the Building Resilient and Responsive Health Systems (BREHS) Project (the Project), with the involvement of the Kenya Medical Supplies Authority (KEMSA) as set out in the Financing Agreement. The International Development Association (the Association) has agreed to provide the original financing (P179698) for the Project, as set out in the referred agreement.
2. The Recipient shall ensure that the Project is carried out in accordance with the Environmental and Social Standards (ESSs) and this Environmental and Social Commitment Plan (ESCP), in a manner acceptable to the Association. The ESCP is a part of the Financing Agreement. Unless otherwise defined in this ESCP, capitalized terms used in this ESCP have the meanings ascribed to them in the referred agreement.
3. Without limitation to the foregoing, this ESCP sets out material measures and actions that the Recipient shall carry out or cause to be carried out, including, as applicable, the timeframes of the actions and measures, institutional, staffing, training, monitoring and reporting arrangements, and grievance management. The ESCP also sets out the environmental and social (E&S) instruments that shall be adopted and implemented under the Project, all of which shall be subject to prior consultation and disclosure, consistent with the ESS, and in form and substance, and in a manner acceptable to the Association. Once adopted, said E&S instruments may be revised from time to time with prior written agreement by the Association.
4. As agreed by the Association and the Recipient, this ESCP will be revised from time to time if necessary, during Project implementation, to reflect adaptive management of Project changes and unforeseen circumstances or in response to Project performance. In such circumstances, the Recipient and the Association agree to update the ESCP to reflect these changes through an exchange of letters signed between the Association and the Recipient's Principal Secretary. The Recipient shall promptly disclose the updated ESCP.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
MONITORING AND REPORTING			
A	<p>REGULAR REPORTING</p> <p>Prepare and submit to the World Bank regular monitoring reports on the environmental, social, health and safety (ESHS) performance of the Project, including but not limited to the implementation of the ESCP, status of preparation and implementation of E&S instruments required under the ESCP, stakeholder engagement activities, functioning of the grievance mechanism(s) and the Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) Prevention and Response Plan. For incidents related to SEA/SH, the report should include only non-identifiable information such as the survivor's age, gender, type of incident, whether the alleged perpetrator is related to the project according to the survivor's witness, and the care services the survivor accessed, if any.</p>	<p>Submit quarterly and annual reports to the World Bank throughout Project implementation, commencing 90 days after the Project Effectiveness Date. Submit each report to the World Bank no later than 30 days after the end of each reporting period.</p>	MOH
B	<p>INCIDENTS AND ACCIDENTS</p> <p>Promptly notify the WB of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, the affected communities, the public or workers, including, inter alia, cases of sexual exploitation and abuse (SEA), sexual harassment (SH), and accidents that result in death, serious or multiple injury, forced or child labor. Provide sufficient detail regarding the scope, severity, and possible causes of the incident or accident, indicating immediate measures taken or that are planned to be taken to address it, and any information provided by any contractor and/or supervising firm, as appropriate.</p> <p>Subsequently, at the World Bank's request, prepare a report on the incident or accident and propose any measures to address it and prevent its recurrence.</p>	<p>Notify the WB no later than 48 hours after learning of the incident or accident and no later than 24 hours after any severe incident/fatal accident, including SEA/SH incidents.</p> <p>Provide subsequent report within a timeframe acceptable to the WB</p>	MOH KEMSA
C	<p>CONTRACTORS' MONTHLY REPORTS</p> <p>Where civil works are implemented, require contractors and supervising firms to provide monthly monitoring reports on ESHS performance in accordance with the metrics specified in the respective bidding documents and contracts and submit such reports to the PMT.</p>	<p>Submit the monthly reports to the WB as annexes to the reports to be submitted under action A above.</p>	MOH Participating counties

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
D	<p>NOTIFICATIONS RELATING TO DAAB COMPLIANCE REVIEW OF CONTRACTOR COMPLIANCE WITH SEA/SH PREVENTION AND RESPONSE OBLIGATIONS</p> <p>Notify the Association of any referral submitted to the Dispute Avoidance and Adjudication Board (DAAB) to initiate a process of compliance review in relation to a contractor’s obligations to prevent and respond to sexual exploitation and abuse (SEA), and/or sexual harassment (SH) specified in the respective works contract with such contractor; and, in the event of any such referral, notify the Association of: (i) the DAAB’s decision on such referral; (ii) the consultant’s Notice of Dissatisfaction, if any, with such DAAB decision; (iii) any notification received on the commencement of an emergency arbitration proceeding or full arbitration proceeding in relation to the DAAB’s decision; and (iv) the resulting emergency arbitration order and/or full arbitration order, if any.</p>	No later than 7 days after the issuance or receipt, as applicable, of the relevant document (i.e., referral to the DAAB, issuance of DAAB decision, Notice of Dissatisfaction, notice of commencement of emergency/full arbitration, emergency/full arbitration order, as applicable).	MOH Participating counties
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS			
1.1	<p>ORGANIZATIONAL STRUCTURE</p> <p>a) Establish and maintain a Project Management Team (PMT) with qualified, experienced, full-time staff and resources to support management of ESHS risks and impacts of the Project including: one environmental safeguards officer with health and safety expertise and one social safeguards officer with social sciences and health expertise, each with more than five (5) years of experience in carrying out environmental and social assessments of Project activities. The PMT staff should have qualifications and experience acceptable to the World Bank.</p> <p>b) KEMSA shall assign an Environmental & Social focal person to maintain coordination and support E&S implementation of the Project.</p>	<p>a) Establish and maintain a PMT as set out in the Financing Agreement. Ensure both the environmental and social specialists are appointed prior to the Project Effectiveness Date. Thereafter, maintained throughout Project implementation.</p> <p>b) Appoint an Environmental & Social safeguards focal person before Project Effectiveness Date.</p>	a) MOH b) KEMSA
1.2	<p>ENVIRONMENTAL AND SOCIAL INSTRUMENTS</p> <p>a) Prepare, consult upon, adopt, disclose and implement an Environmental and Social Management Framework (ESMF) for the Project, consistent with the relevant ESSs, World Bank Group Environmental, Health and Safety (EHS) General Guidelines, and Guidelines for Health Care Facilities and relevant national laws. The following E&S instruments shall also be prepared as annexes to the ESMF: Environmental and Social Codes of Practice (ESCOP); and Sexual Exploitation, Abuse and Harassment (SEAH) Prevention and Response Plan;</p> <p>b) Prepare, consult upon, adopt, disclose and implement a Stakeholder Engagement Plan (SEP)</p>	<p>a, b and c) Adopt the ESMF, VGPF and SEP prior to Project Effectiveness Date and thereafter implement throughout Project implementation.</p> <p>d) Prepare and adopt the ESIA/ESMP where applicable before launching the bidding process for the respective subproject that requires the adoption of such ESIA/ ESMP. Once adopted, implement the respective ESIA/ ESMP throughout Project implementation.</p>	MOH

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<p>c) Prepare, consult upon, adopt, disclose and implement a Vulnerable Groups Planning Framework (VGPF).</p> <p>d) Prepare, consult on, disclose, adopt, and implement the subproject specific environmental and Social Impact Assessment (ESIA) and/or Environmental and Social Management Plan (ESMP)/ Summary Project report (SPR) as set out in the ESMF. Any subprojects/activities described in the exclusion list set out in the ESMF shall be ineligible to receive financing under the Project</p>		
1.3	<p>MANAGEMENT OF CONTRACTORS AND SUPPLIERS</p> <p>a) Incorporate the relevant aspects of the ESCP, including, inter alia, the relevant subproject E&S instruments, the LMP, and code of conduct, into the ESHS specifications of the procurement documents and contracts with contractors, supervising firms and suppliers. Thereafter ensure that the contractors, supervising firms and suppliers comply and cause subcontractors to comply with the ESHS specifications of their respective contracts.</p> <p>b) Ensure all operators including from participating government entities of the various facilities and buildings that will be part of the Project incorporate the relevant aspects of the ESCP, including, inter alia, the relevant subproject E&S instruments, the LMP, and code of conduct, into their ESHS systems.</p> <p>c) Contractors and suppliers involved in the Project shall be required to adopt and implement ESHS mitigation actions as well as enhance their capacity in accordance with the requirements set out in the respective contractual documents which shall be prepared by PMT according to the requirements of applicable ESSs.</p> <p>d) Ensure that relevant environmental and social monitoring requirements are considered in conducting component 1 and 2 activities in a manner acceptable to the Association, that are consistent with the ESF and relevant ESS.</p>	<p>a) As part of the preparation of procurement documents and respective contracts. Supervise contractors, suppliers, and other service providers throughout Project implementation.</p> <p>b) Throughout Project implementation.</p> <p>c) Prior to finalization and signing of contract. Supervise contractors, suppliers, and other service providers throughout Project implementation.</p> <p>d) Throughout Project implementation of component 1 and 2 activities.</p>	<p>a) MOH, Participating counties and KEMSA</p> <p>b) MOH</p> <p>c) MOH, Participating counties and KEMSA</p> <p>d) MOH</p>
1.4	<p>TECHNICAL ASSISTANCE</p> <p>Ensure that the consultancies, studies (including feasibility studies, if applicable), capacity building, training, and any other technical assistance activities under the Project are carried out in accordance with terms of reference acceptable to the World Bank, that are consistent with the ESSs. Thereafter ensure that the outputs of such activities comply with the terms of reference.</p>	<p>Throughout Project implementation.</p>	<p>MOH</p>
ESS 2: LABOR AND WORKING CONDITIONS			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
2.1	<p>LABOR MANAGEMENT PROCEDURES</p> <p>Adopt and implement the Labor Management Procedures (LMP) for the Project, including, inter alia, provisions on working conditions, management of workers relationships, occupational health and safety (including personal protective equipment, and emergency preparedness and response), code of conduct (including relating to SEA and SH), forced labor, child labor, grievance arrangements for Project workers, and applicable requirements for contractors, subcontractors, supervising firms, service providers and suppliers.</p>	Adopt the LMP prior to the Project Effectiveness Date, and thereafter implement the LMP throughout Project implementation.	MOH
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>a) Establish and operate a grievance mechanism for Project workers, as described in the LMP and consistent with ESS2. The Grievance Redress Mechanism (GRM) will be sensitive to SEA/SH, through a transparent and easy-to-understand process that provides feedback to affected parties in a language they understand, without retaliation, and will operate in an independent and objective manner. This GRM will be available to all direct and contract workers (and their organizations, if any) to express their work-related concerns. These workers will be informed of the existence of the GRM at the time of hiring and of the measures taken to protect them from any retaliation for having used it, as well as the GBV service providers identified by the project in the intervention zones and who guarantee their care if necessary. Care will be taken to ensure that the grievance redress mechanism is easily accessible to all.</p> <p>b) Include in the bidding documents for the recruitment of contractors, the terms of reference for the selection of consultants, service providers and any subcontractors of the Project, as well as in the project implementation manual, clauses relating to the GRM in connection with any labor or employment issue within the framework of the Project and in compliance with the ESS2 and national labor legislation.</p>	<p>a) Establish grievance mechanism prior engaging Project workers and thereafter maintain and operate it throughout Project implementation.</p> <p>b) As part of the preparation of procurement documents and respective contracts.</p>	MOH Participating counties
ESS 3: RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT			
3.1	<p>WASTE MANAGEMENT PLAN</p> <p>a) Prepare, consult on, disclose, adopt, and implement a Medical Waste Management Plan (MWMP) for the Project as part of the ESMF, to manage both hazardous and non-hazardous wastes consistent with ESS3, general and HCF EHSGs, and other relevant GIIP including relevant WHO guidelines.</p>	<p>a) Adopt the MWMP prior to Project Effectiveness Date and thereafter implement the MWMP throughout Project implementation.</p> <p>b) Prepare and adopt site-specific MWMPs within six (6) months of Project Effectiveness.</p>	<p>a) MOH</p> <p>b) KEMSA, Primary care facilities</p>

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	b) Mandate other Project implementing entities, the KEMSA, to prepare site-specific Waste Management Plans for their operations, and in alignment with the Project’s MWMP.	c) Implement the MWMP and site specific WMP throughout Project implementation.	
3.2	RESOURCE EFFICIENCY AND POLLUTION PREVENTION AND MANAGEMENT Incorporate resource efficiency and pollution prevention and management measures in the MOH, KEMSA, etc., operations.	Same timeframe as for the adoption and implementation of the WMP and MWMP.	MOH Project Beneficiaries
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	COMMUNITY HEALTH AND SAFETY Assess and manage specific risks and impacts to the community arising from Project activities, including, inter alia, transportation and distribution of HPTs, behavior of Project workers, risks of labor influx, response to emergency situations, and include mitigation measures in the ESMPs to be prepared in accordance with the ESMF	Same timeframe as for the adoption and implementation of the ESMPs.	MOH KEMSA
4.2	TRAFFIC AND ROAD SAFETY Incorporate measures to manage traffic and road safety risks as required in the ESMP to be prepared under action 1.2d above.	Develop and implement a “driving for work policy” not later than 90 days from project effectiveness, and thereafter implement the Policy throughout Project implementation.	MOH
4.3	SEA AND SH RISKS Develop and implement a SEA/SH Prevention and Response Plan as part of the ESMF, to assess and manage the risks of SEA and SH in the Project, complete with the relevant referral pathways for survivors.	Adopt SEA/SH Prevention and Response Plan which is part of the ESMF prior to the Project Effectiveness Date, and thereafter implement the SEA/SH Action Plan throughout Project implementation.	MOH
4.4	Assess and implement measures to manage the security risks of the Project, including the risks of engaging security personnel to safeguard project workers, sites, assets, and activities, and thereafter include in the Project Operation Manual (POM) measures for Security Management in the project, guided by the principles of proportionality and GIIP, and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel.	Prior to Project Effectiveness Date and thereafter implement throughout Project implementation. .	MOH Participating counties
ESS 5: LAND ACQUISITION, RESTRICTIONS ON LAND USE AND INVOLUNTARY RESETTLEMENT			
5.1	Not relevant		

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
ESS 6: BIODIVERSITY CONSERVATION AND SUSTAINABLE MANAGEMENT OF LIVING NATURAL RESOURCES			
6.1	<p>BIODIVERSITY RISKS AND IMPACTS</p> <p>Maximum efforts shall be exerted to ensure that Project activities avoid encroachment and/or infringement on any protected areas or other areas with sensitive habitats or important biodiversity. Projects with potential impacts on critical habitats as defined in ESS6 shall not be eligible for financing.</p> <p>Consistent with ESS6, the Project shall develop and implement and cause to be developed and implemented by contractors and sub-contractors, measures and actions to assess and manage risks and impacts on biodiversity, including identification of different types of habitats and circumstances. These measures shall be spelled out in the site-specific ESIA/ESMPs in accordance with the ESSs and the ESMF: Sensitive ecosystems such as legally designated protected areas, forests, biodiversity areas or buffer zones shall not be encroached upon; Subprojects which will potentially generate sensitive impact on sensitive habitats, such as protected areas, wetlands, forests, shall not be eligible and shall be identified and screened out according to criteria and mechanisms set out in the ESMF; and The ESMF shall set out the types of impacts on natural habitats that are not excluded.</p>	<p>ESMF disclosed prior to appraisal to include respective screening provisions and exclusions and guidance for ESMPs.</p> <p>Site specific ESMP to be prepared and adopted prior to the call for bids of subproject site activities, and thereafter implemented throughout the Project.</p>	<p>PMT Contractors</p>
ESS 7: INDIGENOUS PEOPLES/SUB-SAHARAN AFRICAN HISTORICALLY UNDERSERVED TRADITIONAL LOCAL COMMUNITIES			
7.1	<p>VULNERABLE GROUPS PLANNING FRAMEWORK (VGPF)</p> <p>Adopt and implement VGPF for the Project, consistent with ESS7.</p>	<p>Adopt the VGPF prior to the Project Effectiveness Date, and thereafter implement the VGPF throughout Project implementation.</p>	<p>MOH</p>
7.2	<p>VULNERABLE GROUPS PLAN (VGP)</p> <p>Prepare, consult, disclose, and implement a VGP for the components being implemented under the Project for which the VGPF requires such VGP, and consistent with ESF/ESS7.</p>	<p>Adopt the VGP prior to the carrying out of any activity that requires the preparation of such VGP. Once adopted, implement the respective VGP throughout Project implementation.</p>	<p>MOH</p>
ESS 8: CULTURAL HERITAGE			

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
8.1	<p>CHANCE FINDS</p> <p>Describe and implement the chance finds procedures as part of the ESMP for subprojects, and in alignment with the ESMF of the Project.</p>	Describe the chance find procedures during preparation of ESMPs for subprojects, as relevant. Implement the procedures throughout Project implementation.	MOH
ESS 9: FINANCIAL INTERMEDIARIES			
9.1	Not relevant.		
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE			
10.1	<p>STAKEHOLDER ENGAGEMENT PLAN PREPARATION AND IMPLEMENTATION</p> <p>Adopt and implement a Stakeholder Engagement Plan (SEP) for the Project, consistent with ESS10, which shall include measures to, inter alia, provide stakeholders with timely, relevant, understandable, and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.</p>	Adopt the SEP prior to the Project Effectiveness Date, and thereafter implement the SEP throughout Project implementation.	MOH
10.2	<p>PROJECT GRIEVANCE MECHANISM</p> <p>Establish, publicize, maintain, and operate an accessible grievance mechanism as part of the SEP, to receive and facilitate resolution of concerns and grievances in relation to the Project, promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all Project-affected parties, at no cost and without retribution, including concerns and grievances filed anonymously, in a manner consistent with ESS10</p> <p>The grievance mechanism shall be equipped to receive, register, and facilitate the resolution of SEA/SH complaints, including through the referral of survivors to relevant gender-based violence service providers, all in a safe, confidential, and survivor-centered manner.</p>	Establish the grievance mechanism two months after Project Effectiveness Date, and thereafter maintain and operate the mechanism throughout Project implementation.	MOH
CAPACITY SUPPORT			
CS1	<p>PIU staff training on:</p> <ul style="list-style-type: none"> Stakeholder Engagement Plan (SEP) – stakeholder mapping and engagement Specific aspects of environmental and social assessment Emergency preparedness and response Community health and safety Labor Management Procedures (LMP) consisting of Code of Conduct for project workers in relevant languages and Labor Specific GRM 	Within 12 months of Project Effectiveness.	MOH

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY
	<ul style="list-style-type: none"> • World Bank ESHS requirements • SEA/SH Prevention and Response Plan • Project-wide GRM • Occupational Health and Safety (OHS) • VGPF, Chance finds procedure, etc. 		
CS2	<p>Project workers training on:</p> <p>a) Occupational health and safety including on emergency prevention and preparedness and response arrangements to emergency situations, Personal protective equipment, Workplace risk management, prevention of work-related accidents, Health and safety rules; waste management, Occupational health and safety standards, etc.</p> <p>b) Employment and working conditions – Conditions of employment under national labor laws; Code of conduct for suppliers, service providers and subcontractors; Workers' organizations and trade unions; and Rules on child labor and minimum age for employment of children.</p> <p>c) SEA/SH sensitive GRM – Registration and Processing Procedures; Complaint Resolution Procedures; Operation of the GRM; Documentation and processing of complaints; and Use of the procedure by the different actors.</p> <p>d) GBV/SEA/SH – Awareness, prevention and measures to prevent, mitigate and respond to SEA/SH risks; Content of the project's code of conduct prohibiting behaviors related to SEA/SH, as well as sanctions in case of non-compliance; Themes, activities and target audiences will be defined as part of the prevention measures; Support to survivors, including service providers identified by the project in the intervention areas and the referral and counter-referral process; and SEA/SH complaint management: complaint handling, responsible parties, verification process and complaint resolution</p>	<p>Upon signing of contractors' contract and immediately on mobilization of the contractor and thereafter throughout Project implementation</p>	<p>MOH Participating counties</p>