



Environment and Social Compliance Audit Report

Independent Environmental, Health, Safety & Social (EHS&S) Compliance Audit Report
Project Number: 44951-014
November 2020

BAN: Bibiyana II Gas Power Project

Prepared by ERM India Private Limited a member of Environmental Resources Management Group of companies on behalf of (Summit Bibiyana II Power Company Limited) for Asian Development Bank

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Fourteenth Independent Environmental, Health, Safety & Social (EHS&S) Compliance Assessment of Bibiyana II Power Project: Habiganj, Bangladesh – Key Issues Report

Final Report

4 November 2020

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Final Report

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CONTENTS

1.	INTRODUCTION	1
1.1	Background.....	1
1.2	Objectives and Scope of Work.....	1
1.3	Compliance Assessment Framework	2
1.4	ERM Team for Site Visit.....	2
1.5	Approach to the Compliance Assessment	3
1.5.1	Documents Review	3
1.5.2	Remote Kick-Off Meeting	4
1.5.3	Virtual Consultations	5
1.5.4	Remote Close out Meeting	6
1.6	Limitations/Assumptions	6
2.	PROJECT APPRECIATION AND CURRENT STATUS OF THE PROJECT	7
2.1	The Project	7
2.2	Project Developer	7
2.3	Current Project Status	7
2.4	Associated Project Facilities	8
2.5	Project Operational Status and EHS Performance	8
2.6	Manpower engaged in the Facility	9
3.	SUMMARY OF KEY OBSERVATIONS	11
3.1	Environment, Health and Safety	11
3.1.1	Environment Linked Observations	11
3.1.2	Health & Safety Linked Observations	12
3.1.3	Social Observations	13
4.	KEY RECOMMENDATIONS/WAY FORWARD.....	17
4.1	Environment, Health and Safety	17
4.2	Social.....	17

APPENDIX A LIST OF PENDING INFORMATION/DOCUMENTS

List of Tables

Table 1.1	Details of Virtual Consultations Undertaken	5
Table 3.1	Key Timelines – SBPCL Project	7
Table 3.2	Project Associated Facilities – Status.....	8
Table 3.3	Operational Performance – January to June 2020	8
Table 3.4	Environmental Performance – January to June 2020	9
Table 2.5	Manpower engaged at power plant by SBPCL.....	9
Table 2.6	Manpower engaged by NEPC-S engaged in Power Plant during 14 th EHSS Assessment.....	10

Acronyms and Abbreviations

Name	Description
ADB	Asian Development Bank
BATS	Bangladesh Air Traffic Services
BCAS	Bangladesh Centre for Advance Studies

Name	Description
BIWTA	Bangladesh Inland Water Transport Authority
BPDB	Bangladesh Power Development Board
BRTA	Bangladesh Road Transport Authority
CAP	Corrective Action Plan
CCPP	Combined Cycle Power Plant
CDO	Community Development Officer
CDP	Community Development Plan
CIB	Chief Inspector of Boilers
CMT	Construction Management Team
CO	Carbon Monoxide
COD	Commercial Operations Date
DGM	Deputy General Manager
DOE	Department of Environment
DOEXP	Department of Explosives
DPHE	Department of Public Health Engineering
EHS	Environment, Health and Safety
EHS&S	Environmental, Health, Safety and Social
EPC	Engineering, Procurement and Construction
ERM	Environmental Resources Management
ESAP	Environmental and Social Action Plan
ESIA	Environmental and Social Impact Assessment
ESMMP	Environmental and Social Management and Monitoring Plan
ETP	Effluent Treatment Plant
GRM	Grievance Redress Mechanism
HIRA	Hazard Identification and Risk Assessment
HIRAC	Hazard and Risk Assessment and Control
HR	Human Resources
HSD	High Speed Diesel
IA	Implementation Agreement
IFC	International Finance Corporation
IsDB	Islamic Development Bank
ISO	International Organisation for Standardisation
JGTDSL	Jalalabad Gas Transmission and Distribution System Limited
JHA	Job Hazard Analysis
JSA	Job Safety Analysis
L&FS	Life and Fire Safety
LLA	Land Lease Agreement
LPG	Liquid Petroleum Gas
LRP	Livelihood Restoration Plan

Name	Description
MoM	Minutes of Meeting
MSDS	Material Safety Data Sheet
NEPC-S	Northeast Electric Power Engineering & Services Company
NGO	Non-Governmental Organisation
NOx	Oxides of Nitrogen
OHSAS	Occupational Health and Safety Management System
OJT	On-Job Training
PAF	Project Affected Family
PAC	Provisional Acceptance Certificate
PGCB	Power Grid Company of Bangladesh
PM	Particulate Matter
PAH	Project Affected Household
PAP	Project Affected Person
PPA	Power Purchase Agreement
PPE	Personal Protective Equipment
RAP	Resettlement Action Plan
RFP	Request for Proposal
RMP	Rural Medical Practitioner
SBPCL	Summit Bibiyana Power Company Limited
SIA	Social Impact Assessment
SO ₂	Sulphur Dioxide
SOP	Standard Operating Procedure
ST	Steam Turbine
TBT	Tool Box Talk
TK	Bangladeshi Taka
TNA	Training Need Assessment
TUV	TUV Austria Bureau of Inspection & Certification (Pvt.) Limited, Bangladesh
VDR	Virtual Data Room
WB	World Bank
WARPO	Water Resource and Planning Organization

1. INTRODUCTION

1.1 Background

ERM India Pvt. Ltd. (ERM) was commissioned by Summit Bibiyana Power Company Limited (SBPCL) in order to conduct independent environment, health, safety and social (EHSS) compliance monitoring/ auditing of its 341 MW natural gas fired combined cycle power plant (CCPP) (hereinafter referred to as “the Project”), on behalf of the project financiers, which include Asian Development Bank (ADB), International Finance Corporation (IFC) and Islamic Development Bank (IsDB). It was agreed by the Lenders and Borrower (SBPCL) to engage ERM in the role of **Financiers' Environmental and Social Adviser** for the purpose of the Borrower's *Compliance with Lenders' Environmental and Social Requirements*, and to respond to environmental and social concerns that the Lenders may have from time to time.¹

The Project is a 341MW natural gas fired CCPP having one Gas Turbine (GT), one Heat Recovery Steam Generator (HRSG) and one Steam Turbine (ST). The Project is located at Parkul Village in Aushkandi Union under Nabiganj Upazilla of Habiganj District, Bangladesh. The combined cycle operations for the project began on 28th December 2015. The regular audit that takes place is to primarily assess the compliance status of the project with respect to the following:

- *EHS&S Corrective Action Plan (CAP)* developed as part of the 1st Independent EHS&S Compliance Audit reporting submitted by ERM on 3rd November 2014;
- Operation phase ESMMP implementation of the project;
- IFC's *Environmental & Social Action Plan (ESAP)*; and
- CAP of 13th EHSS compliance audit conducted by ERM in January 2020.

A total of 13 audits have been undertaken by ERM till date beginning September 2014, with this being the fourteenth in the series. The present virtual audit undertaken between 5-6 October 2020 was to primarily assess the compliance status of the project with respect to the Project ESMMP, IFC ESAP and EHSS CAP as mentioned above.

1.2 Objectives and Scope of Work

The primary objective of this assignment was to assess the compliance status of the Project and its various components with respect to the agreed CAP between borrower and lenders, IFC ESAP, Construction & Operations Phase Environmental & Social Management & Monitoring Plan (ESMMP) of the EIA, applicable legal requirements and to identify any key EHS&S issues (if any) for the Project:

The scope of the compliance audit was as follows:

- To assess the Project's compliance with the environment, health, safety and social (EHS&S) requirements of the audit framework (described subsequently);
- To review the effectiveness of implementation of mitigation measures and monitoring programmes at site developed as part of the ESIA study;
- To review the status of environment management, health and safety, protection of labour force, during construction and operation phases of the Project;

¹ Initially, ERM was commissioned by SBPCL on 17th September 2014 for independent Environmental, Health, Safety and Social (EHS&S) Compliance Audit as an internal audit requirement. The first audit by ERM was conducted in the last week of September 2014 and final report of audit was submitted on 3rd November 2014. After the first EHS&S compliance audit, based on the discussions with lenders, SBPCL had engaged Bangladesh Centre for Advance Studies (BCAS) as Borrower's monitoring auditor/consultant for the compliance monitoring, considering that the same agency was involved during the Environmental and Social Impact Assessment (ESIA) of the Project. In order to conduct independent monitoring/auditing on behalf of the lenders, it was agreed by the Lenders and Borrower to engage ERM to periodic compliance audits.

- To review the status of environmental and social action plan (ESAP) compliance, which came out from the first compliance monitoring during the construction stage conducted by ERM and social impact assessment (SIA) conducted by BCAS;
- To review the implementation of the resettlement action plan (RAP) and livelihood restoration plan (LRP) developed for the Project;
- To review the company's existing management system, standard operating procedures (SOPs) and training in relation to EHS&S and identification of areas for improvement/ enhancement;
- To review the environment, health and safety records of site and compliance with respect to the site specific safety management system adopted by the O&M contractor and by the company; and,
- To provide objective reports to the project financiers confirming compliance and if not, recommending additional corrective actions, as appropriate to the Project during construction and operation stages.

1.3 Compliance Assessment Framework

The EHS&S compliance assessment was carried out and evaluated against the following criteria:

- Applicable Local and National environment, occupational safety, health and social legislations;
- IFC Performance Standards on Social and Environmental Sustainability (2012);
- ADB Safeguard Policy Statement (2009);
- IFC/WB Environment, Health and Safety Guidelines – General and for Thermal Power Plants;
- Good International Industry Practices (GIIP) including elements of ISO 14001, OHSAS 18001 Occupational Health and Safety Management System;
- EHS&S CAP integral to the Independent EHS&S Compliance Audit Report of ERM dated 3rd Nov 2014;
- Requirements and mitigating or monitoring measures specified in the ESMMP of the ESIA report prepared by BCAS dated July 2014;
- Requirement specified in the Environmental & Social Monitoring Report and Social Audit report prepared by BCAS dated July 2019; and
- All requirements and mitigating or monitoring measures specified in the ESIA as well as RAP, Community Development Plan (CDP) and LRP.

1.4 ERM Team for Site Visit

ERM team had conducted virtual visit and consultations from 5-6 October 2020. The composition of the ERM team was as follows:

- **Subhradeb Pramanik (Environment, Health and Safety Specialist):** Subhradeb Pramanik holds a Master Degree in Environmental Science and is presently working as a Principal Consultant at ERM India in Kolkata office. He has over 13 years of experience in field of EHS audits, due-diligence, site assessment and environmental impact assessments (EIAs) studies. Over the years he has played a key role in managing numerous projects in oil & gas, roads, mining, chemical, manufacturing, power and transmission sector. His primary focus and experience lies in the development and implementation of management systems, compliance monitoring, regulator reviews and EHSS performance audits. Apart from this he has also worked as a key EHS auditor for both Inogen Group and ARCADIS SENES India to support the implementation of their Due Diligence and Phase I & 2 programs for nearly 50 projects for key multinational clients in textile, metallurgical, chemicals and building sector.

- **Tufail Khan (Social Specialist):** Tufail Khan is a Senior Consultant with the Impact Assessment & Planning Practice at ERM India Pvt Limited. Over his 13 years of experience, Tufail have worked with SENES Consultants India Pvt (A Canadian Environment Consultancy firm), THDC India Ltd (A Mini Ratna PSU in Hydro power generation projects) and currently with ERM India Pvt Ltd at Gurgaon. Carrying out studies related to Social Impact Assessment and Resettlement & Rehabilitation have been his core functional areas throughout his total experience. Construction projects, Hydro power project, Thermal power projects, Wind power projects, solar power projects, mining projects etc. are the sectors wherein he has been actively involved and worked. Tufail has also long experience of implementing Resettlement & Rehabilitation action plan and working with communities at very grass root level.
- **Debabrata Ghosh (H&S Specialist):** Debabrata is presently working as Senior Consultant in ERM India Pvt. Ltd. and is based out at Kolkata office. He has 11.5 years of experience in conducting on site Implementation of Environment Management System in IFC sponsored project, Environment, Health and Safety Compliance Audits, EHS Due Diligence Assessments, Product regulatory reviews, Development and Implementation of Integrated Management System, and Environmental Impact Assessment in Oil & Gas, Mining & Common Municipal Solid Waste Management (CMSWMF) sector. Debabrata has considerable experience in conducting compliance assessments and is a core team member in conducting audits and due diligences. Debabrata has in depth understanding on Indian EHS Legislations and has conducted significant numbers of EHS due diligences and EHS Audits (approximately 120 Nos.) across sectors including Pharmaceuticals, Chemical units, Automobile, Heavy engineering workshops, corporate offices etc. He has rich experience in development, implementation and maintenance of EHS management system (as per ISO 14001:2015 & OHSAS 18001:2007) in various sectors including Construction sites, Telecommunication service providers, Banking and corporates etc. and has imparted EHS trainings while developing and implementing the system.

1.5 Approach to the Compliance Assessment

Due to international travel restrictions imposed due to the COVID-19 pandemic, the 14th EHSS Compliance Assessment of the project was undertaken virtually by ERM team through utilization of video-conferencing application MS TEAMS. As communicated by SBPCL, compliance auditing by BCAS (the Borrower's monitoring auditor/consultant) for the period Jan-Jun 2020 also could not be undertaken due to the COVID-19 related travel restrictions. The approach including detailed remote audit agenda was also communicated and concurred by the lenders – ADB and IFC, with lender representatives virtually attending the audit as observer.

The following approach and methodology was adopted for the current assignment.

1.5.1 Documents Review

In order to facilitate the virtual E&S monitoring exercise, a virtual data room (VDR) was created by ERM for sharing of requested information documentation/information pertaining to the project by SBPCL and NEPC-S. Prior to the commencement of the virtual audit, ERM performed remote review of the information shared in VDR to understand the ongoing implementation, record maintenance, internal monitoring and reporting and mandatory regulatory compliances required for the project. Key E&S documents reviewed include:

- Acid storage license renewed on 30 June 2020;
- BIWTA License renewed on 29 August 2019;
- Environmental Clearance Certificate renewed on 31st August, 2020;
- Factories License renewed on 22 June 2020;
- Import Registration Certificate renewed on 9 July 2020;
- Information on EHS Performance in a period between January- June 2020;

- AAQMS in house monitoring data;
- CEMS in house monitoring data;
- Calibration record of AAQMS, CEMS, H₂ LEL Detector and Noise meter;
- Drinking water monitoring report (in house);
- Effluent Treatment plant monitoring report (in house);
- River water quality monitoring report (in house);
- Noise Monitoring report (in house);
- Sludge Management Plan;
- Audit report of M/S Lifeline Diagnostic Centre;
- Yearly EHS Training calendar of NECP-S and associated training record;
- Yearly mock drill calendar of NECP-S and mock drill report;
- Procedure on Infectious Disease prevention and control;
- Emergency preparedness and response plan;
- High risk operation list and control plan;
- Procedure on Work Permit Management;
- Safety Record Book;
- Sample Work Permit;
- Fire Safety Plan;
- Internal Flow test report of Sprinkler;
- PPE Checklist;
- Inspection checklist of Life jacket.
- Current manpower details
- Progress report on current status of CDP activities;
- Completion Report on Back wage payment;
- Sample attendance and overtime register
- Half Yearly return copy submitted as required under BLR 2015
- Sample leave register copy
- Sample wage slips

1.5.2 Remote Kick-Off Meeting

Post desktop documentation review, a virtual kick off meeting was scheduled on 5 October 2020 being attended by key representatives of lenders, SBPCL and NEPC-S. The kick off meeting helped in developing understanding on the current status of the Project and developments at the site since the 13th EHSS Compliance Assessment. The *ERM* team also explained the purpose of the assignment as well as shared the approach and key activities that were planned in the course of the virtual audit and as outlined in the agenda earlier shared.

1.5.3 Virtual Consultations

Post kick off meeting, ERM team held virtual site walkthrough and consultations with different groups of staff and workers with the purpose of capturing EHS and labour related issues. ERM covered following individuals/groups as part of this virtual consultation process;

Table 1.1 Details of Virtual Consultations Undertaken

Individuals / Group category	Number / Name of participants	Consultation themes
Security Staff	2 security staff (Abdul Noor & Ziaurrahman Zia)	Any issues around payment of salaries and overtime hours, attendance, accommodation arrangements, food quality, recreation facilities, grievance handling mechanism, leave etc.
Contract workers engaged by NEPCS through labour supply contractors	3 contract workers that included: <ul style="list-style-type: none"> Enamul Haque (Rafi Enterprise) Salek Miyan (Rafi Enterprise) Mjahidul Hasan (Suhag Enterprise) 	Issues around payment of wages and overtime, attendance record mechanism, payment system, accommodation arrangement, grievance handling mechanism etc.
Contract workers engaged by SBPCL	3 contract workers that included; <ul style="list-style-type: none"> Shabbir Ahmad Juyal Mohd. Azad 	Any issues around payment of salaries and overtime hours, attendance, accommodation arrangements, food quality, recreation facilities, grievance handling mechanism, leave etc.
Community Development Manager – SBPCL	Mr. Md. Taufique	Discussion on all social related issues and documentations
HR Manager – NEPCS	Mr. Rashid	Discussion of labour compliance issues and documentations
Project O&M Head- NEPCS	Mr. Jason Jung	Discussion on pending EHS issues during course of audit and during close out meeting
EHS Manager- NEPCS	Mr. Mosharaf Hossain	Discussion on EHS related issues, discussion while review of EHS documentation
SBPCL	Mr. Sujit Sutradhar	Discussion on EHS related issues, discussion while review of EHS documentation
SBPCL	Mr. Joydeep Sutradhar	Discussion on EHS related issues, discussion while review of EHS documentation

1.5.4 Remote Close out Meeting

A close out meeting was held virtually on 07 October 2020 with the NEPC-S and SBPCL Management representatives along with representatives from IFC and ADB. ERM presented to SBPCL and NEPC-S Management team with the key observations and findings based on the discussions with the SBPCL and NEPC-S personnel and review of the relevant documents. The CAP and ESAP compliance status, identified gaps were also discussed during this meeting, frequently citing the lack of adequate documentation and limitations of conducting the exercise virtually. Some of the newly identified issues, associated with project operations were also briefed during the closing meeting.

1.6 Limitations/Assumptions

The quarterly E&S monitoring has been undertaken virtually by ERM team owing to the prevailing COVID-19 situation wherein international travel restrictions were imposed by both countries. The findings/observations made as part of the 14th EHSS Compliance Assessment is based primarily of desktop review of document/ information shared by in the virtual data room supplemented by virtual interactions with SBPCL and NEPC-S personnel. Further, key information was not produced to the data room despite numerous requests, and some findings/observations are based on the refusal/inability of the site personnel to respond to document requests. See **Appendix A** for an index of requests where no or insufficient information/response creates a report limitations. No cross verification of the information could be undertaken through physical walkthrough and detailed consultations. The remote site walkthrough was undertaken at targeted locations only.

The findings and observations made herein are based on application of professional judgement. The findings should be viewed in the context of the applicable scope and objectives of the study and the limitation on time and resources made available to the consultants for the successful completion of the study. Kindly also note that the scope of work did not include any sampling, analysis of environmental media, collection of primary data, engineering design or development of technical specifications or cost estimates among others.

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2. PROJECT APPRECIATION AND CURRENT STATUS OF THE PROJECT

2.1 The Project

The project of 341 MW gas-fired CCPP is developed by SBPCL by installing one Gas Turbine (GT), one Heat Recovery Steam Generator (HRSG) and one Steam Turbine (ST). Gas supply for the Project is from Bibiyana Gas Field and is being supplied by the Gas Supplier – Jalalabad Gas Transmission and Distribution System Limited (JGTDSL). Power generated by the Project is being evacuated through an existing 230 kV transmission line of the Power Grid Company of Bangladesh (PGCB).

2.2 Project Developer

The project developer for the Bibiyana II Gas Power Project is Summit Bibiyana Power Company Limited (SBPCL)², which was incorporated in Bangladesh on 21st December 2010, as a joint venture between Summit Corporation Limited (SCL), which was formerly known as Summit Industrial and Mercantile Corporation (Pvt.) Ltd. and GE Energy LLC, a wholly owned subsidiary of General Electric Company. SCL is part of the Summit Group, an established financial entity and is experienced in the efficient management, operation and maintenance of similar facilities in Bangladesh. Summit Group is one of the largest Bangladeshi conglomerates and the industries under this conglomerate include communication, trading, energy, power and shipping.

2.3 Current Project Status

Table 2.1 below depicts important dates and timelines for SBPCL Project.

Table 2.1 Key Timelines – SBPCL Project

S. No.	Particular	Date
1	Date of signing Implementation Agreement (IA)	12 th May 2011
2	Date of signing Power Purchase Agreement (PPA)	12 th May 2011
3	Date of signing Gas Supply Agreement (GSA)	12 th May 2011
4	Date of Signing Land Lease Agreement (LLA)	12 th May 2011
5	Contract effective date	12 th May 2011
6	Implementation period as per contract	31 Mar 2013 - 31 Dec 2015
7	Required Simple Cycle Operation Date (RSCOD)	31 Dec 2014
8	Simple Cycle Operation Date	06 June 2015
9	Date of Financial Closure	08 July 2015
10	Required Commercial Operation Date	31 Dec 2015
11	Combined Cycle COD	28 Dec 2015
12	Issuance of PAC to the EPC Contractor	28 August 2016
13	Demobilisation of EPC Contractor post completion of the warranty period	28 August 2019

² In pursuant to the provisions of the Companies Act, 1994, the name of Summit Bibiyana II Power Company Limited (SBIIPCL) now stands changed to Summit Bibiyana Power Company Limited (SBPCL). The aforesaid change has been notified by the Registrar, Joint Stock Companies and Firms, Bangladesh vide letter dated 26 January 2017.

2.4 Associated Project Facilities

Regarding work progress on the project associated facilities (not being constructed or financed by SBPCL) viz. gas pipeline, switchyard, access road, transmission line etc., an update has been provided in **Table 2.2** for reference. However, as clearly specified by the Borrower, the construction as well as operation and maintenance of these components rests with other parties (i.e. government entities).

Table 2.2 Project Associated Facilities – Status

S. No.	Facility*	Area (acres)	Responsibility	Status (Work Completed)
1	Switchyard	26.0	PGCB	07 March 2015
2	Site Access Road	2.0	BPDB	29 November 2014
3	Gas Pipeline	8.5	JGTDSL	12 April 2015
4	Construction Laydown Area	14.0	BPDB/SBPCL	August 2013
5	Transmission Line	70 meters to switchyard	PGCB	28 February 2015

* Components not under financing by Lenders

Source: SBPCL and BCAS

2.5 Project Operational Status and EHS Performance

The details of the project operational status and EHS performance during the half-yearly compliance audit for the period January to June 2020 have been presented in **Table 2.3** and **Table 2.4**, respectively.

Table 2.3 Operational Performance – January to June 2020

S. No.	Particular	Jan'20	Feb'20	Mar'20	Apr'20	May'20	Jun'20
1	Gross Generation, (MWH)	236760.0	222930.0	238736.0	216361.0	182373.0	222588.0
2	Auxiliary Consumption (MWH)	6327.0	5935.0	6625.0	6366.0	5800.0	6476.0
3	Total Export, (MWH)	230433.0	216995.0	232111.0	209995.0	176995.0	216204.0
4	Total Import, (MWH)	0	0	0	0	422.0	92.0
5	Net Energy Export (MWH)	230433.0	216995.0	232111.0	209995.0	176573.0	216112.0
6	Natural Gas Consumption (As per GT's RMS meter) (MSCF)	1554.15	1461.4	1564.5	1437.5	1214.5	1461.5
7	Availability (%)	100	100	100	98.5	86	97.5
8	Equivalent Forced Outage Factor (EFOF) (%)	0.0	0.0	0.0	0.0	1.0	2.5
9	Plant Factor (%)	90.8	91.4	91.49	85.53	69.6	88.02
10	DM production (m ³)	7489.0	6043.0	4882.0	5111.0	5632.0	5770.0
11	Clarified water production (m ³)	209727.0	200430.0	231453.0	234680.0	230637.0	238934.0

Source: NEPC-S Monthly Reports for January to June 2020; NA – Not available

Table 2.4 Environmental Performance – January to June 2020

S. No.	Particular	Month to date	Year to Date
1	Quantity of NO _x Emission (tons)	5.64	30.07
2	Quantity of CO ₂ Emission (tons)	81677.65	480538.54
3	Quantity of effluent (m ³)	14540	57068
4	Quantity of sludge (kg)	600	3600
5	Quantity of Oily cloth (kg)	0	0
6	Quantity of used oil filter (pcs)	0	0
7	Quantity of used oil (litres)	0	30
8	Generation of medical waste (kg)	0.1	0.6
9	No. of environmental accidents	0	0

Source: NEPC-S Monthly Reports for January to June 2020

2.6 Manpower engaged in the Facility

Present workforce strength in SBPCL power plant are employed three entities which include:

- SBPCL's direct staff deployed at site comprising of staff on payroll and staff engaged on contractual basis;
- Employees and contractual workers engaged by M/s. NEPC (EPC contractor); and
- Employees and contractual workers engaged by M/s. NEPC-S – Operation & Maintenance Contractors

2.6.1.1 SBPCL Staff

Manpower strength engaged through SBPCL is same as observed in ERM previous visit which includes 5 direct payroll staffs and 6 contract workers. **Table 2.5** provides break-up of the current manpower deployment.

Table 2.5 Manpower engaged at power plant by SBPCL

S. No.	Designation	Number	Employer
Payroll Staff			
1	Operation Manager	1	SBPCL
2	Maintenance Manager	1	
3	EHS Executive	1	
4	Community Development Manager	1	
5	Admin & Account	1	
Contract Workers			
1	Driver	2	[1]
2	Kitchen staff	2	

3	Cleaner	1	Resources and Solutions Limited
4	Office boy	1	
Total		11	

^[1] SBPCL has taken 2 vehicles on rent for which drivers are also provided by the respective vehicle owners.

Source: SBPCL Site Officials

2.6.1.2 Workforce engaged by M/s. NEPC-S (Operation & Maintenance Contractor)

The total staff and workers engaged by NEPC-S has reduced to 93 as per the data made available during ERM's 14th visit for EHS&S compliance assessment.

All the Bangladeshi contractual staff of NEPC-S are now employed through a third party manpower supply agency. **Table 2.6** lists roles and counts of personnel engaged through NEPC-S.

Table 2.6 Manpower engaged by NEPC-S engaged in Power Plant during 14th EHSS Assessment

S. No.	Department/Position	Nationality	Number	Male	Female
1	Operation	Bangladeshi	28	28	0
2	Maintenance	Bangladeshi	18	18	0
3	Admin Officer Kitchen Office Helper Driver	Bangladeshi	3 5 1 1	10	0
4	EHS Officer Security Firefighter	Bangladeshi	4 10 2	16	
Sub Total:			72	72	0
4	Operation	Chinese	12	12	0
5	Maintenance	Chinese	10	8	0
6	Admin	Chinese	2	3	0
7	EHS	Chinese	1		
Sub Total:			25	25	0
Total O&M Staff			97	97	0

Source: NEPC-S HR Department

Apart from the above 97 directly hired staffs, the NEPC-S (O&M Contractor) has also hired 12 contract workers from three manpower supply contractors as described below:

- 4 contractual workers (1 supervisor and 3 cleaners) for cleaning & gardening work within the plant premises are engaged through M/s. Tahsin Enterprise;
- 5 contractual workers from M/s Rafi Enterprise for regular maintenance activities; and
- 3 contractual workers from M/s Suhag Enterprises for regular maintenance activities.

3. SUMMARY OF KEY OBSERVATIONS

Considering that the Project is already in combined cycle operations since the last 58 months with COD for combined cycle operations declared in December 2015, ERM has tried to assess project EHSS performance for operations stage and also to verify compliance status of any pending EHSS related actions. The EHSS observations/findings made in this regard have been summarized in the subsequent sections below.

3.1 Environment, Health and Safety

3.1.1 Environment Linked Observations

Some of the key observations linked to the Environmental performance of the project are mentioned below:

- Annual fish habitat survey through an experienced and qualified third party agency has been pending and has been further deferred due to the COVID-19 pandemic situation. Reportedly, the Terms of Reference (ToR) for the study has been drafted with the study proposed to be undertaken during the next monsoon season.
- The site already has a ground water abstraction permit from Union Parishad; however NEPC-S/SBPCL is yet to explore the applicability of permit requirement from Water Resources & Planning Organisation (WARPO) for ground water extraction under the provision of the new regulations i.e. Bangladesh Water Rules, 2018, which requires permit to be obtained for all existing wells from them under the said Rules.
- NEPC-S is yet to coordinate with Lifeline Diagnostics for their license regarding collection and transportation of medical waste under the provision of Medical Waste Rules, 2008.
- NEPC-S is yet to undertake a third party and in-house calibration for the PM analysers of Continuous Ambient Air Quality Monitoring System (CAAQMS) and Continuous Emission Monitoring System (CEMS) in accordance to the agreed timeline of June 2020.
- The pollutant concentration value recorded in the CEMS has not been corrected to standard O₂ basis i.e. 15% vis-a-vis the measured O₂ concentration in flue gases (vol. %, dry basis).
- CAAQMS and CEMS performance need to be validated through third party environmental monitoring and proper calibration as sample review indicates zero to very low values for SO₂ and NO_x in AQMS as compared to their baseline values, series of negative values for SO₂ noted in CEMS etc.
- Annual GHG audit is yet to be undertaken following commencement of commercial operation in late 2015 as per the operational phase ESMMP requirements.
- In-house ambient noise monitoring undertaken by NEPC-S is limited to spot/instantaneous checks only, and does not encompass coverage of the specified day (6 am to 9 pm) and night time (9 pm to 6 am) as per the Bangladesh Noise Control Rules, 2006.
- The selection of in-house and third party noise monitoring location need to be identified taking into account sensitive receptors – schools, temples, residential places. Photographic evidence in some cases suggests that such monitoring is being undertaken along village access roads.
- The sound meter being used for in-house monitoring is pending calibration since 2018, with a dedicated calibration procedure for the same also to be developed.
- Workplace noise monitoring do not encompass – CW and Raw Water pump house with spot checks indicating occupational noise levels of 94.5 and 85.8 decibels respectively. The occupational noise levels recorded in-house has not been converted to Time-Weighted Average (TWA) values.

- The agreement/contract with the hazardous waste disposal agency/contractor – Rima Enterprise has expired on May 20 and is currently pending renewal.
- The completion/closure of corrective actions recommended by NEPC-S for the audit undertaken of medical waste disposal agency is pending review and validation subject to sharing of relevant evidences
- The underground (UG) concrete pit/sump designed for collection of accidental spills from hazardous waste storage area is found to be filled with rain-water, with any overflows leading to the potential risk of oily waste water reaching to the abutting storm water drains.
- Virtual walkthrough of the hazardous waste storage area indicated the following gaps/deviations:
 - Appropriate labelling is not found to be implemented for all hazardous waste bearing drums/containers
 - Secondary containment provided at the hazardous waste storage in some cases found to be damaged.
 - Spills control kits at the waste storage area lacks proper storage and maintenance.

3.1.2 Health & Safety Linked Observations

Some of the key observations on the health and safety aspects are as follows:

- Safety Relief Valve (SRV) testing through third party agency is pending and is to be undertaken during plant overhauling.
- Procurement of scaffold platform conforming to the BS 2482 specified in NEPC-S Work at Height Procedure is still pending.
- A comprehensive occupational health and safety audit is yet to be undertaken by a third party agency as per ESMMP requirements.
- The inspection and maintenance of sprinkler and stand-pipe system installed at the project site is yet to be undertaken as per the Bangladesh National Building Code (BNBC) norms.
- External examination of pressure vessels has been undertaken by NEPC-S in June 2019, whereas Bangladesh Labour Rules (BLR), 2015 requires such examination to be undertaken once in 6 months.
- The external examination of pressure vessel is being undertaken in-house by NEPC-S designated personnel; whereas BLR, 2015 requires such examination to be undertaken by personnel possessing necessary competency certificate from DIFE. NEPC-S to coordinate with DIFE to this regard.
- NEPC-S is yet to undertake comprehensive examination of all lifting tools and equipment's for 2019-20 through a competent third party agency and keep records of such examination in prescribed format (Form 24) as per BLR, 2015. Alternatively, NEPC-S may seek exemption from DIFE for performing such third party examination for non-operating lifting equipment/machinery.
- Missing insulated mats noted at the front of HV electrical panel at CW pump house; damaged/worn out insulated mats identified at the raw water pump house.
- Review of work permit for maintenance of firefighting system exhaust air valve reveals that no lock was applied for energy isolation in contrast to the requirement of NEPC-S Energy Isolation Procedure.
- The location of the manual call points/alarms have not been demarcated on the respective building floor lay outs annexed to the Fire Safety Plan in accordance to BNBC requirements.

- Sample checks reveals in-house inspection pending for fire extinguishers at CW pump house and hazardous waste storage area. Evidences of visible corrosion also noted for fire extinguishers nozzles at the said area.
- Fire emergency mock drill undertaken by NEPC-S on 24 Feb 2020 along with BFSCD pending for the period July-Dec 2019; however no communication made to the said authority seeking exemption/relaxation for carrying out such drill for the period Jan-June 2020 due to COVID-19.
- JHA prepared for “work over water” to identify risks related to oil/lubricant spills (from O&M activities) and specify mitigation/control measures for the same. No specific mitigation measures outlined in the said JHA for electrocution related risks/hazard.
- Mitigation measures identified for “work over water” viz. provision of guard rails, safety boat, safety signage's etc. is currently pending implementation. Details of emergency contacts not outlined in the said training module along with preventive measure for electrocution and oil/lubricant spill risks.
- Infectious disease prevention and control procedure developed by NEPC-S to be reviewed to address the following:
 - Protocol/guidance for waste management contractors periodically visiting the site; protocol for temporary storage and disposal of PPEs used by onsite personnel for COVID-19 exposure prevention; disinfection requirements for areas/rooms accessed by COVID-19 positive patient;
 - “Back to work” requirements for both negative and confirmed COVID-19 cases;
 - Review and coverage of DGHS Technical Instruction for COVID-19 Prevention & Control for industries in the said procedure;
 - Coverage of training/awareness related requirements including communication of the procedure to contractors visiting/accessing the site;
 - Periodic review requirements (checklist based) to assess the effective implementation of the said procedure.
- A certified Class-1 boiler attendant is currently available for one operational shift only.
- General work permit issued do not specify whether any work is being carried out near and above water and mitigation measures like PPEs etc. to be adopted in such cases; PPE matrix not extended to cover activities in high noise areas viz. GT and ST rooms.
- The periodic internal inspections undertaken by NEPC-S is limited to safety aspect only and needs to encompass health and environmental aspects as well. Furthermore in accordance to the ESMMP requirement, such periodic inspection is to be performed using a defined checklist.
- JHA has not been extended to disinfection activities and handling of contaminated PPE/clothing with respect to COVID-19 prevention and control.

3.1.3 Social Observations

3.1.3.1 Key social observations as discussed in 14th EHSS closing meeting

Community Development Plan

SBPCL was asked to specify achievable timeline for following long-pending community development works that was agreed between lenders and SBPCL and yet not accomplished.

- **Establishment of school and Library in Parkul village:** SBPCL is required to provide feasible timeline to begin actual construction work. Senior Management may be required to intervene in the process of engagement with *Parkul* SMC (School Management Committee) and concerned

Government Department (like Upzilla Education Committee), for securing necessary approvals to initiate actual construction work;

- **Hand Pump in Resettlement Colony:** SBPCL is required to finalise the contract at the earliest in order to begin the actual work at site;
- **Construction of 0.5 km internal access road in Resettlement Colony:** SBPCL is required to finalise the contract at the earliest in order to begin the actual work at site.

Gaps in existing Human Resource practices w.r.t applicable labour regulations and IFC PS-2 requirements

- Payment to 12 contract workers are being handed over in cash in sealed envelope by their respective contractors engaged by NEPCS and NEPCS has no monitoring over the payment disbursement by these three contractors to their contract workers. This is a non-compliance to BLR 2015, wherein wage slips in a prescribed format needs to be provided to all workers;
- The grievance management process for workers requires several improvements. Currently concerns/issues of workers not being recorded anywhere.
- In consultation with security staff, it was reported that they have issues with food cost and quality. Only rice and lentils are free and they have to pay for any other food item that they want to consume. It should also be noted here that nobody is allowed to procure anything from outside local market in view of restrictions in their movement due to COVID -19 except from authorised vendor who is supplying all kinds of food stock to the plant.
- ERM reiterates a few issues pertaining to labor law non-compliances that have been also highlighted in past.
 - As per Summit HR policy, employees are eligible for 15 days of earned leave (EL). However, section 117 clause 1(a) of Bangladesh Labour Law 2006 states 'EL should be calculated @ 1 day/18 working days post completion of one year of service'. Generally 18 days of EL is provided in Bangladesh by private companies to their regular employees which also comfortably fulfills requirement of Bangladesh labour law 2006. Even NEPCS has 18 days of EL provision for their Bangladeshi Staff.
 - Labour license for manpower supply contractors providing 12 contract workers to O&M Contractor (NEPCS), is not in place. This issue was first highlighted in previous audit (i.e. ERM's 13th EHSS audit) and it was supposed to be closed by February 2020 ;
 - SBPCL is also required to comply with the requirement of constituting a Worker's Participation Fund as per BLA 2006 & BLR 2015;

3.1.3.2 Complains received by ADB and ERM post 14th EHSS virtual site visit

Since the virtual assessment, 2 whistle blower complaints were received by Asian Development Bank and by ERM. These complaints have been reviewed and additional recommendations are being made to investigate these complaints. Specific investigation into these complaints have not been conducted as yet.

Complaints received by ADB

ERM had organised closing meeting on 6th October 2020 (this was later deferred to 7 Oct owing to SBPCL key representatives inability to attend the meeting on the said day) to discuss key findings of the 14th EHSS audit. On the same day ADB received a formal complaint that were majorly regarding the conduct of O&M contractor (NEPCS). The specific points of complaint as shared by ADB were as follows;

- *The O&M Contractor (NEPC) does not follow labour laws/rules, factory inspection rules and its own rules and regulations.*

- *Summit is already aware about such violations by NEPC but does nothing about it and instead a “false report” is provided by Summit to the auditors (ERM) during an audit. The complaint also alleges that Summit and also gives bribes³.*
- The complaint also cited the following:
 - *During an audit, 2 versions of the report (one is original and another one is fake). The Fake Report is for the audit team.*
 - *No overtime pay has been given to any employee who were asked to work overtime.*
 - *During 7 months of lockdown, there are 5-6 people in every room as opposed to one that is being shown/reported.*
 - *Securities are hired by third party but reported in the audit report as permanent employee.*
 - *No single day of rest has been given to security and housekeeping people for the last 7 months.*

The complainant also requested that the Audit Team should come and ask the employees personally so that they can obtain the original reports and understand the situation first hand.

Complaints received by ERM

After couple of days from closing meeting of 14th EHSS audit, ERM Global Compliance Department also started getting communications from an individual (*who wishes to remain anonymous*).

Most of the worker's concerns are presented before ERM were in the context of the disparate treatment of Bangladeshi vs. Chinese. The kind of verbatim quoted in the discussion with ERM be classified into two categories i.e. 1) labour/corruption issues and 2) HSE/communication issues. These verbatim are presented below:

Issues related to wages and working conditions in the facility.

- *NEPCS is (1) continuing lockdown for Bangladesh workers past what was communicated to the workers? (2) or what the country required? (3) withholding wages/not paying overtime? (4) certain corrupt individuals skimming wages of others? (5) falsifying shift, overtime and timecards?*
- *“Lockdown of our country has been finished but they are still continuing this for their business issue without considering the labour law of Bangladesh.”*
- *NEPCS is creating “fake documents” of everything pertaining to the shift schedule, time cards, and overtime.*
- *“Each and every time NEPCS creating the fake documents of everything and submitting to Summit and other Auditing Organisation like ERM.”*
- *Several references to NEPCS “giving fake report” to ERM and asking for more time to submit documents so that NEPCS could “fake timecards.”*
- *“For the example of corruption our contractual daily labour getting 350 taka per day by rules but getting 300 with no overtime while working on Friday (Weekend).”*
- *“During lock down period our company didn't give us any extra facilities by increasing salary or giving free food for all while Chinese employee get the 7200 taka per month for food bangla employee have to pay for their food.”*
- *“The roster is not administered as written and instead Bangladesh personnel have to work much longer shift than what is shown on the roster.”*

³ The nature, frequency, motive, giver(s), receiver(s), and results of the alleged bribery were not specified and have not been investigated yet.

- *There are unclear references to a particular individual as the "OSD for the protest against Chinese management" – some type of "collusion" with NEPCS or "doing illegal things" regarding wages/agreements to keep silent?*
- *"Daily labour payment also have corruption."*
- *"Every department have corruption and labour law issue."*
- *Unclear allegations that NEPCS is skimming wages by withholding "tax" that is not correct.*
- *"We use our canteen card to purchase food but no history of that is available." (Indicates possible skimming/inappropriate charges by NEPCS)*
- *"Company showing canteen is loss project here while making profit from bangla people." (Indicates possible skimming/inappropriate charges by NEPCS)*
- *Recruiting of Bangladesh workers allegedly done with false promises regarding hours, wages, and conditions.*
- *The false promises were believed because "We didn't expect this" because the plant is "world bank funded."*
- *The worker believes that the "head office" doesn't know what NEPCS has done or what has happened during Covid-19 restrictions.*

HSE related

- *"Cleaning staff don't use any hygienic chemical while cleaning washrooms and toilet."*
- *"Living 3 to 8 people in one room for Bangla employee and Chinese are enjoying one or two person per room."*
- *"We haven't received safety shoes for this year" (all Bangladesh workers? required PPE? unclear if some or all Chinese workers have or have not received the shoe PPE)*
- *"Company only use Chinese QQ account for all type of notice."*
- *"Don't make notice hardcopy signed by higher authority and publish it in notice board."*
- *"Admin & EHS manager don't have the ability to talk in English – that's why we have large communication gap with him." Also, "He is really short tempered person."*
- *"In front of our grievance box we have camera coverage" so none of the Bangladesh workers feel they can use the box or report a grievance for fear of retaliation by NEPCS.*
- *"We don't have anything for our recreation here. Everything is Chinese people oriented."*
- *Despite having to pay for their food during lockdown while the Chinese workers do not, the quality of the Bangla employee food is perceived to be far inferior to what the Chinese workers are served for free.*

Most Recent Developments

- *"Operation manager of NEPCS warn us about that not to inform anything to SUMMIT about our problems."*
- *Various managers inform "All bangali people that we are employee of NEPCS. ...anything wrong we can mail to our company but mailing to SUMMIT is not right."*

Some of the elements of the complaint coincide with ERM's preliminary findings. ERM has requested a number of documents from Summit and NEPCS on October 9th to further review labour working conditions, and an updated list was provided again on 30 October. However no data or documents have been received as yet.

4. KEY RECOMMENDATIONS/WAY FORWARD

4.1 Environment, Health and Safety

- Explore applicability of permit requirement from Water Resources & Planning Organisation (WARPO) for ground water extraction under the provision of the new regulations i.e. Bangladesh Water Rules, 2018;
- Undertake third party and in-house calibration for the PM analysers of Continuous Ambient Air Quality Monitoring System (CAAQMS) and Continuous Emission Monitoring System (CEMS);
- Validate CAAQMS and CEMS performance through third party environmental monitoring and ensure proper calibration of the monitoring systems;
- Undertake a comprehensive occupational health and safety audit by a third party agency as per ESMMP requirements;
- Undertake annual fish habitat survey through an experienced and qualified third party agency and ToR generated to this regard to be shared for review;
- Initiate third party monitoring program at the earliest possible by adopting appropriate COVID-19 prevention and control measures as outlined by NEPC-S in its procedure;
- Specifically check bathroom and living quarter written cleaning procedures against actuality, including checking for cleaning supplies.
- Confirm living arrangement counts per room against rosters.
- SBPCL/NECP-S to explore conducting emergency mock drill jointly along with neighbouring power projects to ensure better preparedness of managing any potential emergency/contingent situations under BFSCD supervision.

4.2 Social

In view of the specific complaints received by ADB and ERM Compliance Department as discussed in previous sections, ERM recommends the following way forward:

- Summit should undertake a standalone labour audit based on requirements of Bangladesh labour regulations as well as key applicable international standards such as IFC PS-2. This audit should happen at a time when ERM team could visit the site physically;
- A separate Fraud Due Diligence should be undertaken after completion of standalone audit. The scope for this Fraud Due Diligence should include all whistle-blower allegations noted above and can be done concurrently or in coordination with the labour audit.

Recommendations related to other social issues as noted in the 14th EHSS audit will be provided in Draft 14th EHSS Audit Report currently under preparation.

APPENDIX A LIST OF PENDING INFORMATION/DOCUMENTS

A. SOCIAL

1) Manpower detail

- Manpower size of Summit staff and workers as per monthly salary/wage register in the table below;

Department /Position	Feb 2020	March 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sept 2020
Bangladeshi staff and Workers								
Site Management Staff								
Third party worker (i.e. Kitchen staff and housekeeping staff) engaged through M/s. RSL								
Other								

2) Records of attendance, leave etc.

- Attendance record for Site management staff for the calendar year 2020 (January to September 2020);
- Attendance record for third party workers engaged by summit for past 8 months;
- Leave register for site management staff for the calendar year 2020 (January to September 2020);
- Leave application received from Summit staff and workers between March to September 2020;
- Leave records of third party workers for past 8 months;
- Copies of appointment letter for third party workers;

3) Other required information

- Copy of approved service rule as required under section 3 of BLA 2006;
- Copy of certified organogram for Summit Bibiyana Rule-18 of BLR 2015;
- Evidence of fulfilling requirement of worker's Social Security fund (which is applicable for M/s. RSL) as per Rule-17 of BLR 2015;
- Current status on constitution of Worker's participation fund/Welfare fund as required by section 234 of BLA 2006.
- Copy of approved 'notice of working hours for adult workers' as per Rule 105 of BLR 2015;
- Current labour license, trade license etc. applicable for the company;
- Current group insurance policy of Summit covering Bibiyana facility.
- Was consent of summit employees & contract workers obtained for extended stay in Plant after lockdown period in Bangladesh?

Documents required from O&M Contractor (NEPCS)

4) Manpower

- Manpower size of NEPCS as per monthly salary/wage register in the table below;

Department /Position	Feb 2020	March 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sept 2020
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Bangladeshi staff (Regular)								
Operation								
Maintenance								
Administration Officer								
Assistant Manager- EHS								
Kitchen Staff								
Officer Helper								
Driver								
EHS Officers								
Security Staff								
Fire Fighter								
Other								
Bangladeshi Contract Workers engaged through Manpower Supply Contractors								
M/s. Rafi Enterprise								
M/s. Tahsin Enterprise								
M/s. Suhag Enterprise								
Other								
Chinese Staff								
Operation								
Maintenance								
Admin								
EHS								
Other								

5) Attendance/other Register

- Monthly attendance register for all regular Staff , recorded through Biometric Machine and Attendance Register Copy for the period Feb 2020 to September 2020;
- Monthly attendance sheet prepared for contract workers by floor supervisors for the period Feb 2020 to Sept 2020;
- Overtime register for regular for past 8 months
- Shift roster maintained for Bangladeshi staff and workers including contract workers for the period Feb 2020 to Sept 2020;
- Monthly attendance record for contract worker captured through Biometric Machine (if exist) for the period Feb 2020 to Sept 2020;
- Overtime register maintained for Bangladeshi workers including contract workers for the period Feb 2020 to Sept 2020.
- Copy of the Register as per Form 6(A) mentioned under Rule-19 of BLR 2015;
- Sample copies of Service book as per form 7 mentioned under Rule-22 of BLR 2015;
- Was consent of NEPCS Bangladeshi employees & contract workers obtained for extended stay in Plant after lockdown period in Bangladesh?

6) Leave details

- Copies of leave book maintained for all regular Bangladeshi staff for the past 8 months (Feb to Sept 2020);

- Leave applications received from NEPCS staff and workers between March to September 2020;
- Details of EL encashment for regular staff;
- Leave register maintained for contract workers during COVID period for past 7 months (March to Sept 2020)

7) *Salary sheet/wage slip*

- Monthly Payment sheet for all Bangladeshi Regular staff for past 8 months (Feb to Sept 2020);
- Evidence of transfer of monthly salary into bank account of all Bangladeshi regular staff (specially security staff, kitchen staff, office helpers, driver) for past 8 months (Feb to Sept 2020);
- Monthly payment sheets/vouchers issued to the 3 manpower supply contractors for past 8 months (Feb to Sept 2020);
- Evidence of actual payment released by contractors to their contract workers for past 8 months (Feb to Sept 2020) like copy of form 38 (wage slip format)

8) *Appointment letters*

- Current appointment letters for Bangladeshi staff and workers including security staff, kitchen staff, office helper, fire fighter & driver;
- Current appointment letter/any documented letter (defining terms of employment) issued by manpower supply contractors to their 11 contract workers;

9) *Contract agreement copy*

- Current agreement copy with the three manpower supply contractors (M/s. Rafi, M/s. Tahsin and M/s. Suhag)

10) *GRM and other documents*

- GRM procedure established by NEPCS for their staff and workers;
- Record of grievances/other issues shared by regular staff and contract workers in past 8 months;
- Details on communication between HR Department and Bangladeshi staff & workers regarding their issues/grievances. Was it recorded anywhere? If yes, please provide a copy.
- Details on access to recreation arrangement (i.e. television, indoor sports, gym etc.) for Bangladeshi staff and workers in plant;
- Details on number of rooms/bed dedicated for Bangladeshi staff and workers including daily wagers, for their regular stay and for their quarantine period stay;
- Details on canteen facilities provided for Bangladeshi staff and workers (standard food menu, price rate etc.);
- Food allowance detail for Bangladeshi and Chinese staff.
- Photos of Notice board along with details on type of notice displayed over notice board;
- Photos of Grievance Box placed across the plant area.

B. ENVIRONMENT, HEALTH & SAFETY

- Latest agreement with Sludge disposal agency (M/S Rima Enterprise);
- Calculation sheet for internal AAQMS Monitoring;
- Communication to DOE with respect to Compliance report submission in a period between January to June, 2020;
- Legible version of renewed of Boiler License;
- Valid supervisory certificate/contractor license from Electrical Licensing Board for personnel involved in the evaluation of the wiring and earthing of the plant;
- Inspection checklist of SCBA;
- Purchase Order and Scope of Health and Safety Audit.

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