



FEDERAL REPUBLIC OF SOMALIA

**MINISTRY OF ENERGY AND WATER RESOURCES
(MoEWR)**

DRAFT REPORT

LABOUR MANAGEMENT PROCEDURE (LMP)

November 2021

ABBREVIATIONS

| | |
|------------|---|
| BESS | Battery Energy Storage Systems |
| BSSF | Business Support Services Firm |
| CoC | Code of Conduct |
| COVID - 19 | Corona Virus Diseases 2019 |
| CSOs | Civil Society Organizations |
| E&S | Environmental and Social |
| EHS | Environmental, Health, and Safety |
| EHSGs | Environmental, Health and Safety Guidelines |
| ESF | Environmental and Social Framework |
| ESI | Electricity Supply Industry |
| ESMF | Environmental and Social Framework |
| ESMP | Environmental and Social Management Plan |
| ESP | Electricity Service Provider |
| ESS | Environmental and Social Standard |
| FGS | Federal Government of Somalia |
| FM | Financial Management |
| FMS | Federal Member State |
| GBV | Gender – based Violence |
| GHG | Green House Gasses |
| GIIP | Good International Industry Practice |
| GRM | Grievance Redress Mechanisms |
| ID | Identification |
| IDPs | Internally Displaced Persons |
| ILO | International Labour Organization |
| IPs | Indigenous Peoples |
| LMP | Labor Management Procedures |
| MoEM | Ministry of Energy and |
| MoEWR | Ministry Energy and Water Resources |
| MOLSA | Federal Labor Ministry and Social Affairs |
| O&M | operation and maintenance |
| OE | Owner’s Engineer |
| OHS | Occupational Health and Safety |
| PCs | Project Coordinator(s) |
| PIU | Project Implementation Unit |
| POM | Project Operations Manual |
| PWD | Persons With Disabilities |
| SEA | Sexual Exploitation and Abuse |
| SEAP | Somalia Electricity Access Project |
| SecMF | Security Management Framework |
| SecMP | Security Management Plan |
| SESRP | Somalia Electricity Sector Recovery Project |
| SHEA | Sexual Harassment, Exploitation and Abuse |
| SHS | Solar Home System |
| UNHCR | United Nation High Commissioner for Refugees |
| TA | Technical Assistants |
| TVET | Technical and Vocational Education and Training |
| WB | World Bank |
| WBG | World Bank Group |
| WHO | World Health Organization |

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EXECUTIVE SUMMARY

This Labor Management Procedure (LMP) has been developed to identify and manage risks associated with labor and working conditions under the Somalia Electricity Sector Recovery Project (SESRP). It identifies labor requirements in line with applicable laws, standards and sets out the procedures for addressing labor conditions and risks associated with the SESRP in line with the relevant World Bank's Environmental and Social Standards on Labor and Working Conditions (ESS2) and Community Health and Safety (ESS4).

The LMP is developed at this stage of the project although the scale and exact locations of project activities to be implemented under this component are not yet determined. Details of the investments will be determined when the relevant feasibility studies as well as Environmental and Social Studies are conducted during the detail design phase. An overview of labor use and characterization on the project has been provided. The key labor and worker-related risks and impacts associated with Project activities may include the Sexual Exploitation and abuse (SEA) risks, associated with workers as well as community health and safety, and the risks associated with labor impact. The World Bank has rated the overall Environment and Social risk of the project as High, which indicates a high likelihood of adverse impacts associated with project implementation.

The High-risk rating indicates that the risks are required to be well understood and expected to have potential impact as they would require appropriate possible efforts to be avoided, minimized or managed through procedures, including procedures set out in this LMP. Compliance obligations have also been documented which will serve as supplemental policies that will guide the implementation of this LMP including national laws, international laws, and in particular, the World Bank ESS2 and ESS4.

Foreign workers will require work permits, which will allow them to work in Somalia Republic and Somaliland. All workers will be 18 years old or above. This will be a requirement in all contracts with civil works contractors.

The LMP sets out policies and procedures governing the following:

- Responsible staff,
- Policies and procedures
- Age of Employment
- Terms and conditions
- Grievance mechanism.
- Contractor management,
- Primary supply workers.

Roles and responsibilities for implementing the LMP has also been documented in line with the project structure for implementing the SESRP. The LMP recognizes the need for establishing a grievance redress mechanism for workers and a procedure has been provided to guide development of site-specific labor management plans by contractors.

The LMP will be applied to all types of workers that will be employed by the SESRP Project Implementation Unit (PIU), contractors, sub-contractors and labor supply contracting agencies. Adhering to these procedures, contractors will be required to prepare and implement the Labor Management Plan.

1 BACKGROUND AND CONTEXT

The Federal Government of Somalia (FGS) is preparing the Somalia Electricity Sector Recovery Project (SESRP) for appraisal. The SESRP aim is to increase access to electricity services and to re-establish the Electricity Supply Industry (ESI) in the Project Areas. The FGS has created the Ministry of Energy and Water Resources (MoEWR) and Ministry of Energy and Mines (MoEM) to define and implement overall energy sector policies and to regulate the sector. The MoEWR hosts the Project Implementing Unit (PIU).

The ILO estimated Somalia employment to population ratios for Somalia at 41%. The labor force participation rate was estimated at 65.9% and 37.6% among males and females, respectively. Amongst the youth, male youth aged 30-34 years had the highest labor force participation rate of 83.3% compared to females (44.0%). Among the adults, male adults aged 45-49 years and 35-39 years had the highest labor force participation rates at 86.6% and 86.4%, respectively. This was about twice the labor force participation rates for females in the same age cohorts. Also, the urban population had the lowest labor force participation rate at 40.1% compared to 56.7% for the rural areas. The labor force participation rate among the nomadic community was estimated at 68.7% compared to 44.9% for the Internally Displaced Persons (IDPs).

In overall terms, Somalia suffers from high unemployment and under-employment. The country has relatively high vulnerable unemployment estimated at 59%, and a considerable unemployment rates for persons with upper primary level of education at 20.9% and those with secondary level of education an unemployment rate of 34.6%. Also, 41% of the employed in Somalia are in elementary occupations. The largest proportion of employed persons are elementary occupations (41%) followed by professional (15%), Skilled agricultural, forestry and fishery workers (10%) and craft and related trades workers (9%).

1.1 Project Description

The project aims to support the reestablishment of the Somalia Electricity Supply Industry for improved delivery of electricity services to enhance job creation and improved public services delivery. Currently, sector operations are owned, managed and operated by the Electricity Service Providers (ESPs) whereas the government institutions are in the formative stage with the policy, legal and regulatory frameworks at various stages of development. The project will address some of the key sector challenges that contribute to lack of efficient, reliable and low cost electricity services, namely: (i) absence of an integrated grid and duplication of distribution networks by the ESPs; (ii) poor operations practices leading to low generation efficiency and high distribution network technical and commercial losses (currently estimated at over 40 percent of the total energy generated); and (iii) lack of an appropriate institutional and regulatory enabling environment.

While there are tremendous needs with respect to the reestablishment of the electricity supply industry encompassing both the institutional and infrastructure, the fragile operating environment necessitates a selective and adaptive approach. Somali's private sector has impressively stepped up to deliver basic energy services in the aftermath of the protracted conflict of the 1990s. Nevertheless, the ESPs ability to operate efficiently and scale up operations is hampered by the several constraints such as lack of access to funding, limited institutional capacity and technical skills and an enabling environment. The core proposition of this project is that by investing in sector capacity enhancement and network infrastructure, the Government of Somalia can leverage the private sector to re-establish the electricity supply industry.

This project will support improved the establishment of interconnected distribution systems in and the establishment of Greenfield sub-transmission lines of 132 kv in the major load centres of Mogadishu and Hargeisa. In addition, the project will support the hybridization of generation capacity in Major Load Centres within large cities and towns (Mogadishu, Hargeisa, Berbera, Boosaaso, Garowee, Caabduwaaq, Baidoa,

Afgoye, Kismayu, Borama, Bura) identified for renewable generation optimization; and will provide benefits from improved health and education services.

1.2 Project Components

Component 1 – Distribution network reconstruction, reinforcement and operations efficiency in the major load centers. The proposed activities include sub-transmission and distribution network reconstruction and reinforcement in the major load centers to improve network reliability and operational efficiency by integrating the current ESPs’ distribution networks and existing generation in order to optimize overall distribution network operations.

Component 1-A. Generator Synchronization and Automation. Currently, most of the Electricity Service Providers (ESPs) have not implemented synchronization and automation as part of their generation processes. As a consequence, separate generator units are connected to exclusive feeder lines and as result, many generators operate below their expected optimal performance criteria. Further, the absence of automation and synchronization, prevents the ESPs from utilizing parallel generation to assure optimal generator performance and dynamic reactivity to electricity load variations. This kind of operation results in significant amounts of “wet stacking” (diesel fuel waste, extra pollution, and performance degradation). Proposed investments under this component will support equipment supply and installation that will enable synchronizing and automation of the numerous generators presently in operation. The application of automation and synchronization to the numerous generators in each of the targeted major load centers will provide reduced cost of generation accruing from augmentation in generation capacity and reduced wet stacking; fuel consumption and maintenance costs.

Component 1-B. Sub Transmission and Distribution network integration in the major load centers. All of the ESPs operate independently and, as a consequence, there is significant infrastructure duplication. The proposed activities will support investments in the sub-transmission and distribution network infrastructure required to enable generation synchronization in addition to increased network capacity and reduced network losses.

Component 2 – Renewable energy generation optimization. This component is proposed to support activities aimed at the hybridization and optimization of existing mini-grids. It will support installation of Battery Energy Storage Systems (BESS) and solar PV systems at existing diesel-based generation stations. This component aims at increasing the efficiency of the existing hybrid mini grids (diesel and solar) by optimizing the existing generation capacity and where possible reduce the diesel consumption by augmenting the installed capacity with BESS and additional solar PV generation.

Component 3 – Electricity services for improved public services delivery (Health, Education and Water Supply Institutions). This component will support activities to provide electricity to existing public facilities in rural and peri-urban areas, underpinned by the nation-wide geospatial plan. The Geographical Information System (GIS) analysis will include climate risks to identify vulnerable load centers/households and identify risks to sustainability of the electricity services. Key activities under this component are proposed to include new hybrid mini-grids and standalone solar PV systems augmented by BESS targeting public institutions as the anchor loads and where viable associated distribution network to connect other loads such as Small and Medium Enterprises (SMEs) and households. Besides playing a key role in enablement of community co-benefits, facilities that have access to electricity may be better positioned to attract and retain skilled workers, especially in rural areas. Further, this will equip public service institutions to better respond to emergencies, such as COVID-19.

The proposed activities under this component support the resilience of the Somalia population from the conflict’s impact on livelihoods through improved access to functional basic services, such as health facilities, schools and clean water supply. Further, it would also strengthen the Federal Government of Somalia (FGS)

state legitimacy before its citizens through the delivery of the “social contract”. The activities are proposed to retrofit existing public infrastructure facilities with electricity services and support the establishment of a cross sector energy infrastructure program to ensure that new facilities are equipped with electricity infrastructure.

Component 4 - Sector Capacity Enhancement and Project Implementation Capacity Support. The proposed activities include (a) strengthening of sector governance and regulation to foster autonomy, accountability and transparency. The process of reestablishing the Electricity Supply Institutions (ESI) and integrating infrastructure network operations will require a mix of planning and monitoring and, in particular, national skill set advancement and institutional entities. This will also require having in place appropriate regulations, standards, safety and technical performance requirements. These standards will require all ESPs to improve technically and provide better operations within a levelled and regulated marketplace. This component will include technical assistance aimed at enhancing the ESI capacity with regards to sector policy, regulation, planning, management and operations, among others; (b) undertaking sector integrated planning including Sector Least Cost Development Plan covering generation, transmission and distribution (which will include a low-carbon scenario) and Electricity Access Strategy and Investment Prospectus. The sector plans will enable having a sector wide development framework that will enhance crowding-in funding, both private and public; and (c) project implementation support. The technical assistance to enhance the ESI institutional capacity would initially support and guide the day-to-day sector undertakings through a Business Support Services Firm (BSSF) approach.

2 OBJECTIVES OF THE ASSIGNMENT AND SCOPE OF WORK

The objective of preparing Labor Management Procedures (LMP) is to identify and manage risks associated with labor and working conditions under the Somalia Energy Sector Recovery Project (SESERP). It identifies labor requirements in line with applicable laws, standards and sets out the procedures for addressing labor conditions and risks associated with the SESERP in line with the World Bank Environmental and Social Standard 2 (ESS2).

An overview of labour use and characterization on the project has been provided. The LMP has assessed the potential labour risks associated with the project based on type of work and workers and documented appropriate mitigation measures.

Roles and responsibilities for implementing the LMP has also been documented in line with the project structure for implementing the SESERP. The LMP recognizes the need for establishing a grievance redress mechanism for workers and a procedure has been provided to guide development of site-specific labour management plans by contractors.

The compliance obligations have also been documented which will serve as supplemental policies that will guide the implementation of this LMP including national laws, international laws, and in particular, the World Bank ESS2.

The LMP sets out policies and procedures governing the following:

- Application of the national labour legal frameworks and ESS 2: Labour and Working Conditions on the Project
- Overview of Labor Use on the Project
- Responsible staff
- Policies and procedures
- Age of Employment
- Terms and conditions
- Grievance mechanism
- Contract management
- Primary supply workers
- Assessment of Key Potential Labor Risks
- Brief Overview of Labor Legislation: Terms and Conditions
- Brief Overview of Labor Legislation: Occupational Health and Safety
- Code of Conduct for All Staff and Project Workers

ESS 2 categorizes project workers into: direct workers; contracted workers; community workers; and primary supply workers. The labor category of direct workers will be government civil servants (mainly those that belong to the MoEWR and MoEM and the federal, regional and district levels and staff from other relevant government ministries, departments and agencies deployed to provide requisite technical support to the project. Both the civil servants and consultants shall be governed by the Labour Code of 1972. The consultants will further be governed by a set of mutually agreed contracts. The consultants will be part of the Project Implementation Units (PIUs) that has been established.

Direct Workers. Stakeholders working in connection with the project, who may include external consultants directly hired by the ministries as well as staff directly seconded by the respective ministries at both national

and federal and regional level offices who will support the activities at different levels and with varied time commitments. The project will engage the following types of workers as “direct workers”:

- a. **Project Implementation Unit(s) (PIUs):** Two PIUs have been set up within the MoEWR and MoEM to manage the project. It has a dedicated Project Coordinator(s) (PCs) with overall responsibility for the effective functioning of the Project. Staff for cross-cutting functions (for example, procurement specialist, project finance specialist, safeguards officers, M&E) are also in place. The timing of labor requirements is from project preparation to the completion of the project.
- b. **Civil Servants:** Some Federal, State government civil servants will be working in connection to the project, which will include Federal Ministry (MoEWR); State Ministry (MoEM); and district police that provide security services. They will remain subject to the terms and conditions of their existing public sector employment, which are governed by Somalia’s Provisional Constitution (2012) and Civil Service Law (Law Number 11) that covers permanent civil servants but does not apply to local government employees and to members of the armed forces or the police and corrections corps. There will be no legal transfer of their employment or engagement to the project. The Constitution and the Civil Service Code prohibit child labor and forced labor. The government civil servants involved in the project will wear appropriate Personal Protective Equipment (PPE) to limit and safeguard them from exposure to Occupational Health Safety (OHS) risks under the project.
- c. **Consultants:** The PIUs will be supported by Technical Assistants (TA) to enhance the ESI institutional capacity would initially support and guide the day-to-day sector undertakings through a Business Support Services Firm (BSSF) approach. The BSSF approach seeks to support and guide the day-to-day sector undertakings over a medium term to reestablish the Somali electricity sector covering both policy, oversight, operations and management including coaching and hands-on training of the sector staff and sector studies.
- d. Other workers under this category include Third Part Monitoring Team (TPM) or and Civil Society Organization (CSOs).
- e. **Temporary staff:** The project will hire temporary workers as casuals including the hired drivers (the number of employees will be determined on need-basis).

Contractor Workers:

- i- **Construction Workers:** there will be contractor workers engaged in the construction of structures to necessitate establishment and operationalization of the project activities.

Primary supply workers: Procurement will be done for solar equipment, batteries, and other transmission. There will also be supplies specific for each specific component 1, and 3. It is notable that most procurement will be carried out by SESRP PIU at (MoEWR and MoEM) or possibly directly by the World Bank (if need arises). Where appropriate, specific requirements on child labor, forced labor, and work safety issues should be included in all purchasing orders and contracts with suppliers throughout the project implementation phase. The number and type of primary suppliers will be determined during project implementation. The timing of labor use of primary supply workers will cover the construction stage of the project.

3 OVERVIEW OF LABOR USE IN THE PROJECT

This section describes the estimated numbers of project workers to be involved, characteristics in the broader sense, timing and sequencing of labor requirements, anticipated contracting structure including, types & numbers, based on available information.

Number of Project Workers: The project shall employ at least 500 workers (direct and contracted) from the project preparation, construction and operational phases.

The composition /characteristics of project workers will include the local workers from the specific project areas, national or international migrants for the technical specific works not readily available in the area. Special consideration will be given to female workers during the recruitment. In addition, measures will be put in place to ensure non-discriminatory and inclusive hiring.

Timing of Labor Requirements: The timing and sequencing of labor requirements for the project is associated in the different phases. 10 % of the proposed labor shall be used during the planning phase, 50 % of proposed number of workers will be recruited during the construction phase and the remaining 40 % of the workers will be recruited during the operational phase of the project. The construction of the Substations, High Voltage Transmission lines and setting up of the PVS facilities within the social institutions.

Direct workers include all the workforce directly employed by the PIU: they include E&S safeguards specialists, GBV specialist, OHS specialist, M&E specialist, GBV Specialist and the Gender Officer as the gender focal point Consultants Engineers, temporal staff and Field supervisors/Field staff, and civil servants seconded for work by the FGS and Federal members states seconded to support the project and the consultants that have direct employment agreements with the Ministry Energy and Water Resources.

Contracted Workers: The project will use the services of both direct and contracted workers. The contracted workers will compose the bulk of the labor work force (70%) to be used in the project; they include the contractors who will do actual construction and rehabilitation works at the proposed 11 major load centres. The PIUs will be responsible for recruiting the contractors through the Procurement Unit; with specific contractual obligation to be overnigheted by the subject specialty at PIUs.

Foreign workers will require work permits, which will allow them to work in FGS/Somaliland.

Table 1 gives the overview of the breakdown for indicative labor use in the project:

Table 1: Overview of indicative labor use in the project

| Type of project workers | Characteristics of project workers | Timing of labor requirements | Indicative number of workers |
|---|---|---|---|
| Direct workers PIU - (E&S safeguards specialists, GBV specialist, OHS specialist, EHS specialist, M&E specialist, GBV Specialist and the Gender Officer as the gender focal point | <ul style="list-style-type: none"> •PIU: National consultants, •Consultants: international and national experts •Engineers, Surveyors, Social and Environment safeguards and Field workers: National | <ul style="list-style-type: none"> •PIUs: from project preparation until project completion •Consultants: from project preparation until project completion •Engineers Fieldworkers: during project implementation | <ul style="list-style-type: none"> •PIU: approx. 20 consultants •field staff : 50-300 |

| Type of project workers | Characteristics of project workers | Timing of labor requirements | Indicative number of workers |
|---|--|---|---|
| Consultants Engineers, temporal staff and Field supervisors/Field staff/ | | | |
| Civil Servants | <ul style="list-style-type: none"> Workers from the Ministries, local governments supporting the project | <ul style="list-style-type: none"> Support from project preparation until project completion | <ul style="list-style-type: none"> Approximately 40 |
| Contracted workers Skilled workers engaged by the primary contractor Skilled workers engaged by subcontractor Unskilled workers | <ul style="list-style-type: none"> Skilled workers of the primary contractor: mostly national technical permanent staff. Skilled workers engaged by the subcontractor: national or international operators of heavy machines Unskilled workers: local host community members, female workers, IDPs and persons with disabilities. | <ul style="list-style-type: none"> The timing of labor requirement will fluctuate, dependent on the construction stages, which will be determined by individual contractors at the contract award stage. | <ul style="list-style-type: none"> The contracted works (skilled or unskilled) required during the execution of the project activities will be identified later once the exact sub-projects and locations are determined. For each sub-project site, approximately 20-30 workers may be hired. |
| Primary supply workers Workers engaged by primary suppliers | <ul style="list-style-type: none"> They are most likely to be local workers to deliver construction materials like sand. | <ul style="list-style-type: none"> Project implementation | <ul style="list-style-type: none"> The primary supply workers will be identified during the project implementation stage. |
| Community workers | <ul style="list-style-type: none"> Not applicable | <ul style="list-style-type: none"> Not applicable | <ul style="list-style-type: none"> Not applicable |

4 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

4.1 Proposed Project Activities

The proposed project activities are listed on the sub-section below as per the Project components:

Component 1 – Distribution network reconstruction, reinforcement and operations efficiency in the major load centers

Delivery of the generator synchronization and automation equipment and installation to enable synchronizing and automation of the numerous generators presently in operation,

Component 2 – Renewable energy generation optimization

Delivery and installation of Battery Energy Storage Systems (BESS) and solar PV systems at existing diesel-based generation stations,

Component 3 – Electricity services for improved public services delivery (Health, Education and Water Supply Institutions)

- i. Procurement of the battery, battery storage system for mini-grids to enable hybridization and optimization of existing mini-grids., and
- ii. Construction of the new hybrid mini-grids and standalone solar off-grid system augmented by BESS targeting public institution,

Other cross cutting activities include

- iii. Acquisition of land for construction of the sub-station and for the sub-transmission and distribution lines,
- iv. Setting up the sub-transmission and distribution network reconstruction, reinforcement and operations efficiency in the major load centers of Mogadishu and Hargeisa,
- v. Transportation of construction material including excavated soil, gravel, sand, rocks and water to the construction sites, especially where construction activities are involved.
- vi. Support services such as servicing and maintenance of construction equipment, road, electrical services, welding support, transport services, etc.

4.2 Key Labor Risks:

The key labor risks which may be associated with the project (see, for example, those identified in ESS2 and the GN). These could include, for example:

- Possible accidents or emergencies (electrocution, fall from height, slip fall, fire incidences, exposure to hazardous materials), with reference to the energy sector high voltage or locality;
- Likely incidents of child labor or forced labor, with reference to the sector or locality;
- Likely presence of migrants or seasonal workers;
- Security risks from the Al Shabab communal conflict due to fight for natural resources i.e. water
- Gender-based violence / Sex Exploitation and sexual harassment;
- Labour Discrimination against vulnerable and disadvantaged groups, including IDPs, unemployed youth, women, minority clans and ethnic minorities, such as SSHUTLCs;
- Labour related Violence Against Children,
- Grievances from contractual workers,
- Risk of disease transmission such as COVID 19 and HIV/AIDS infections;
- Security risks; and
- General understanding and implementation of occupational health and safety requirements.

Environmental, Health and Safety (EHS) risks:

- a) The main safety risk under component 1 and 2 is electrocution, particularly during installation and maintenance works of distribution line accidents, may occur which can result in injury and fatalities. Workers on construction sites are also highly exposed to injuries, falls, fatalities caused by machinery and/or transport, struck by falling objects, and risks from manual handling of heavy loads. Furthermore, workers may be exposed to hazardous substances during collection and recycling of lead and battery acid within the workspace and the environment under component 2 and 3. In addition, working from height at the roof top of target health and education facilities under component 3, they may fall. Thus there are occupational hazards from solar PV system installation. The community members along the High Voltage Power lines may be exposed to electric and magnetic fields (EMF) as well as electrocution of workers in the line of duty.

The Project shall conduct job risk assessments and identify appropriate mitigation measures for OHS of workers during the design, construction, operational and decommissioning phases of the project components. The contractors shall be required to prepare an occupational Health and Safety (OHS) Plan in line with the WBG EHS General EHS guidelines and Guidelines for Electric Power Transmission and Distribution, and Good International Industry Practice (GIIP). Key mitigation measures include: regular patrolling along the power lines to identify the need for regular and immediate maintenance operation, inspection immediately after a major storm/rainfall event, regular cutting and trimming of trees around power lines, taking appropriate protective measures against accidental falls from elevated height during regular maintenance operations (use of appropriate Personal Protective equipment i.e. using body harness, waist belts, secured climbing devices, etc.), provision for shutting down of line in case of snapping of a line, and regular monitoring of power lines to prevent electricity pilferage.

- b) Sexual harassment, exploitation and abuse: there are several concerns on the potential for GBV, increased risk of abuse and exploitation for vulnerable women workers, increased risk of sexual exploitation and violence of persons involved in the labor related activities. Thus, all staff and contracted workers should sign a code of conduct outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions.

- c) Child labor: the need to earn an income may force underage children to seek employment at construction sites as casual laborers in digging foundation for the transmission towers as well as holes for the transmission lines. Contractors need to verify the age of the workers using the national identity card, or selection based on the contractor's previous profile, maintain ID copies at worksites, do periodic labor inspection, etc.
- d) Forced labor in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable – women and girls forced into prostitution, migrants trapped in debt bondage, and sweatshop or farm workers kept there by clearly illegal tactics and paid little or nothing. Forced labor risk is likely. However, the project will mainly involve the line Ministries and PIUs. However, there may be potential risks related to construction works that are envisaged under Component 1, 2 and 3. The Project will not allow any form of forced, child labor, slavery, servitude, trafficking and all applicable ESS 2 provisions. It will hold all contractors liable for the implementation of the LMP, the PIU will have overall responsibility to monitor the implementation of the LMP.
- e) Labor disputes over terms and conditions of employment. The likely cause for labor disputes includes demand for limited employment opportunities, labor wages/rates and delays of payment, discrimination in labor recruitment, disagreement over working conditions (particularly overtime payments and adequate rest breaks), and health and safety concerns about the work environment. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, unfairness at work, or any grievances raised, and such situations could lead to labor unrest and work stoppage.
- f) Security risks. With Al-Shabaab still in control of parts of the country and their attacks frequently targeting government and other strategic infrastructure and persons in urban areas, the security risk for the project workers is substantial. Other security threats / issues include theft, vandalism and looting of parts, and/or unauthorized access to the construction site, in addition to other impacts from hiring security personnel. The possible mitigation measures include: ensuring security at workers camp and project sites are under surveillance in collaboration with law enforcing agencies, contract the services of a Security Firm to guard selected project sites, comply with the requirements in the Security Management Plan for the project, In hiring a Security Firm, the government (FGS/Somaliland) will be 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 security workers. The project will not sanction any use of force by direct or contracted workers in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. Due diligence will be done to ensure the hires security firm are (i) not implicated in past abuses; (ii) adequately trained (or determine that they are properly trained) in the use of force (and where applicable, firearms), and appropriate conduct toward workers and affected communities; and (iii) compliance with the applicable law and any requirements set out in the ESCP.
- g) Migrant Workers: it is likely that migrant workers are expected to work on the project especially as the technical experts for the Business Service Support Firm. The provision of this LMP should be adhered to.

Table 2 below gives the risk of the potential labor risks and issues in relation to labor:

Table 2: Detailed Labor Management Risks

| | Labour Risk | Mitigation Measures |
|----|--|---|
| 1. | Occupational Health & Safety Risks | <p>The project will develop an OHS Plan with measures that aim at avoidance and reducing or minimizing; and the application of the “Hierarchy of Controls” according to OHS principles – Elimination, Substitutions, Engineering Controls, Administrative Controls and use of appropriate fit for work PPEs.</p> <p>Provide adequate and appropriate PPEs for the workers.</p> <p>Carry out risk assessment and OHS Inspection.</p> <p>Only trained workers will be allowed to install, maintain and repair electrical equipment and build transmission lines, as per the ESRS,</p> <p>SMPs will contain emergency preparedness and response measures.</p> <p>Availability and access to first-aid equipment and medical supplies.</p> <p>CoC should also enforce the Contractors should implement an OHS Plan (OHS).</p> |
| 2. | Labour Influx and Migrant Workers | <p>The Contractor will develop a labour management plan for project.</p> <p>The Contractor will prioritize employing locals as casuals to reduce the need for labour influx.</p> <p>Likely numbers of expected incoming workers and where they would come from (non-local, national, foreign, rural, urban)</p> <p>Proposed accommodation options for workers</p> <p>Proposed mode of transport from point of origin, and between labor camp(s) and site(s)</p> <p>Likelihood that family members accompany workers (visiting, resident)</p> <p>Service providers, including businesses and individuals aiming to provide goods and services to the project, contractors, sub-contractors, and workers</p> |
| 3. | Forced Labor | <p>The employment of project workers will be based on the principle of fair treatment;</p> <p>The project management will hold sensitization meetings on forced labour and conflict resolution mechanisms;</p> <p>The contracts with third parties will include prohibition of forced labour requirements as part of the monitoring system.</p> <p>All contracts will have contractual provisions to comply with the non-use of forced labour requirements including penalties for non-compliance in-line with the relevant national laws.</p> <p>Subproject Environmental and Social Management Plans (ESMPs) will clearly forbid the use of forced labor.</p> |
| 4. | Security issues, i.e., attack from Al Shabab | <p>The PIU will work closely with the Ministry of Interior to ensure worker security.</p> <p>Project teams will seek security approval and clearances from the project coordinator.</p> <p>Project teams will be periodically subjected to security awareness campaigns.</p> <p>Project teams will have alternative communication devices, such as two-way radios or satellite phones in areas with limited or no cellular network coverage.</p> <p>Use local leaders as part of the project implementation committee members.</p> <p>Implement the requirements of a Security Management Plan specifically the requirement security escorts within determined project insecure areas.</p> |
| 5. | GBV Incidences | <p>The project will undertake GBV risk assessment and mapping of GBV services.</p> |

| | Labour Risk | Mitigation Measures |
|----|---|---|
| | | <p>Sensitization campaigns and awareness creation on GBV services.</p> <p>All direct and contracted workers will sign a CoC,</p> <p>Periodically update GBV assessment of potential risks that may arise in relation to primary suppliers.</p> <p>Application of WB GBV Guidance Notes in work procedures and interactions, especially those addressing social aspects.</p> <p>Special GRM for GBV/SEA/SH cases will be set up, and GBV Risk Assessment and Action Plan has been prepared and that the project will comply with the measures outlined in the GBV-Action Plan.</p> |
| 6. | <p>Labour Discrimination against vulnerable and disadvantaged groups, including IDPs, unemployed youth, women, minority clans and ethnic minorities, such as SSHUTLCs</p> | <p>The employment of project workers will be based on the principle of equal opportunity and fair treatment.</p> <p>Inclusive consultations and focus groups particularly to ensure participation of women and other vulnerable groups.</p> <p>No discrimination with respect to any aspects of the employment relationship.</p> <p>Project management will hold sensitization meetings on resources planning and conflict resolution mechanisms.</p> <p>The contracts with third parties will include non-exclusion requirements as part of the monitoring system.</p> |
| 7. | <p>Labour related Violence Against Children</p> | <p>Project management will enforce all CoCs.</p> |
| 8. | <p>Grievances from contractual workers This could result from delay in payment of wages, uncomfortable working conditions, work areas and work design.</p> | <p>Project management will prepare the Grievance Redress Mechanism (GRM) to address labor grievances.</p> <p>Constitute the Grievance Redress Committees.</p> <p>Awareness creation for the workers on their rights and obligation, and Supervise of labor activities by government entities.</p> |
| 9. | <p>Spread of COVID 19 Infections</p> | <p>ESIAs and the SMPs will include measures to prevent the spread of disease and minimize COVID-19 outbreaks,</p> <p>Awareness creation for both community members and all project workers on the signs and symptoms of COVID-19, how it spreads, how to protect themselves and the need to be tested if they have symptoms;</p> <p>All workers shall be subjected to rapid Covid-19 screening which may include temperature check and/or other vital signs;</p> <p>Mandatory provision and use of appropriate Personal Protective Equipment (PPE) shall be required for all project personnel including workers and visitors;</p> <p>Keep records of all persons (including phone contacts) involved in project implementation;</p> <p>Workers are to limit face to face working and work facing away from each other when possible.</p> |

| | Labour Risk | Mitigation Measures |
|--|---|---|
| | | <p>Consider introducing an enhanced monitoring process for activities where less than 2 m distance may be required.</p> <p>Workers deemed clinically vulnerable should never work within 2 m of persons.</p> <p>Break times should be staggered to reduce congestion and contact at all times.</p> <p>Adequate sanitary measures are implemented on-site: hand washing stations with a posted hand washing protocol, hand sanitizer stations, provision of disinfectant wiping products.</p> <p>Avoid concentration of persons at one location, where more than one person are gathered, maintain social distancing of at least 2 meters.</p> |
| | <p>Spread of HIV/AIDS and Increase STI/STDs in the area</p> | <p>ESIAs and the SMPs will include measures to prevent the spread of disease and minimize COVID-19 outbreaks</p> <p>Carry out periodic HIV/AIDS awareness programs for workers and the beneficiary community.</p> <p>Distribution of condoms to workers and neighboring communities'</p> <p>The project team should use the services of local area HIV/AIDS service providers to undertake community outreaches; and</p> <p>Carryout voluntary HIV/AIDS testing.</p> |

5 BRIEF OVERVIEW LEGAL AND INSTITUTIONAL FRAMEWORKS OF LABOR

5.1 Overview of Somalia's National Labor Code

The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. The Labor Code¹ of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and condition, remuneration, occupational health and safety, trade unions and labor authorities. The provisions of the Labour Code apply to all employers and employees in all project areas. The Labour Code is applicable to all types of workforce of the project. The Labour Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section III on the institutional framework). The public service or public institutions are in addition governed by the Civil Service Law (Law Number 11).

Below is the list of relevant provisions of the Labour Code with regard to terms and conditions of work.

1) Content of individual contract of employment (Article 46 of the Labor Code)

- Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedures for suspension or termination of contract.
- The Law for the Somali Civil Servants No.11, Article 86: Work Contract
- Any person to be employed for Government service shall enter an agreement of contract with the institution that takes the person which its period shall be based on the institution's need but can however be renewed.

2) Notice for termination of contract (Article 50 of the Labor Code)

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:
 - (a) Not less than ten days in the case of manual workers;
 - (b) Not less than 30 days in the case of non-manual workers:Provided that no notice need be given in case the duration of contract does not exceed one month.

The Law for the Somali Civil Servants No.11. Article 22: Termination of Person under Service Trial

- The head of the Department together with the labor commission can terminate from work a new employee within the period of his/her service trial if firmly proved that hi/her work performance in the effective and shall have no right.

3) Minimum wages (Article 72 of the Labor Code).

- Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labour Commission, and with the approval of the Council of Secretaries.
- The Law for the Somali Civil Servants No.11. Article 85: Arrangements of Government Workers Basic Salaries. The basic salaries for the Civil servants of the Government shall be arranged, determined and set up by special Committee composed of members from the ministry of labor and Development of workers, the central Bank and the National Civil Servant commission of the Government.

¹ The Labor Code is in the review process with support from ILO. The revised draft Labor Code was agreed and adopted in February 2019 by representatives from various ministries of the Federal Government of Somalia, all Federal Member States, employers, workers, and academia. The Federal Ministry of Labour could not predict the likely timeframe for the Parliamentary approval, and advised that the existing Labour Code (1972) shall continue to be applicable until revised code becomes the law. Consultation with both State's Labour Ministries also have confirmed that they follow the national Labour Code in administration of labor matters in their States.

- 4) Hours of work (Article 85, 86 of the Labor Code).
 - The normal hours of work of a worker shall not exceed eight a day or 48 a week.
 - Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.
- 5) Weekly rest (Article 96 of the Labor Code)
 - Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
 - Workers shall also be entitled to a rest day on public holidays recognized as such by the State.
- 6) Annual leave (Article 97 of the Labor Code)
 - Workers shall be entitled to 15 days' leave with pay for every year of continuous service.
 - An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- 7) Fringe benefits (Article 73 of the Labor Code)
 - Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.
- 8) Deductions from remuneration (Article 82 of the Labor Code)
 - No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.
- 9) Death benefit (Article 53 of the Labor Code)
 - In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.
- 10) Expecting and nursing mothers (Article 91 of the Labor Code)
 - A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
- 11) Nursing breaks (Article 92 of the Labor Code)
 - A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

5.2 The World Bank Environmental and Social Standards: ESS 2

The World Bank's stipulations related to labor are outlined in its ESS Standard-ESS2. This helps the Borrowers in promoting sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. Key objectives of the ESS 2 are to:

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
- Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;

- Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or parttime, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants; except for the provisions of paragraphs 17 to 20 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

Working conditions and management of worker relationships. The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

For more details on the WB Environmental and Social Standards, please follow the below links: www.worldbank.org/en/projects-operations/environmental-and-socialframework/brief/environmentaland-social-standards and

<http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards>.

5.2.1 Key Gaps between National Legislation And World Bank ESS2

Table 3 below gives the summary of World Bank Requirements and Key Gaps with FGS/Somaliland Legal Requirements:

Table 3: Summary of World Bank Requirements and Key Gaps with Somalia Legal Requirements

| ESS & Topic | Major WB requirements | Key requirements/gaps in FGS/Somaliland legal framework | Principles to be followed by the Project |
|---|--|--|---|
| A. Working conditions and management of labor relations | <ul style="list-style-type: none"> ➤ Written labor management procedures ➤ Terms and conditions of employment ➤ Nondiscrimination and equal opportunity ➤ Worker’s organizations ➤ Elaborate Labor Management Plans including Contractor’s ESMP warranted | <ul style="list-style-type: none"> ➤ Written employment contract required, including procedures and employment conditions ➤ No provision for Labor Management Plans. | LMP developed for the project. Terms and conditions in the LMP are consistent with national law. |
| B. Grievance mechanism | <ul style="list-style-type: none"> ➤ RM should be in place for direct and contracted workers | <ul style="list-style-type: none"> ➤ No project specific GRM is warranted. ➤ However, it is allowed to apply to: a) conciliation commission; b) Labor Inspection under the Ministry of Employment and Labor Relations; and c) court. | Prepare GRM for workers (Direct workers) as per this LMP. Contractors will develop C-LMP including provision to establish and maintain GRM for their employees. |
| C. Occupational Health and Safety | <ul style="list-style-type: none"> ➤ Detailed Procedure required for every project. ➤ Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and ➤ Monitor OSH performance | <ul style="list-style-type: none"> ➤ No detailed procedure specific to every project. ➤ Requirements to protect workers, train workers, document incidents, emergency preparation. | Prepare site specific OHS Plan for the project, Prepare Training Plan for workers, document incidents, and emergency preparation for the site |
| D. Category of workers - | Specifies these following categories of workers: direct workers; contracted workers; community workers; and primary supply workers. | No reference to Community and Primary Supply Workers | No community workers will be involved in the Project. Screening and monitoring measures will be introduced for primary suppliers as per this LMP. |

| ESS & Topic | Major WB requirements | Key requirements/gaps in FGS/Somaliland legal framework | Principles to be followed by the Project |
|------------------------------|---|---|---|
| E. Minimum age of workers | Persons 14-18 are prohibited from work considered hazardous, that will interfere with their education or be harmful to their health or development (physical, mental, spiritual, moral, or social). | Employment permissible for 12 plus age, but for nonhazardous work, with limited hours, and guardian permission. | ESS2 will be followed. No direct and contracted workers under 18 will be recruited. |
| F. Protecting the work force | Child labor prohibition Forced labor prohibition | Child labor prohibited No forced labor is allowed. | LMP has been prepared with clear guidance on no use of child and forced labor |

Note that the LMP is a living document that will be updated during implementation. The borrower will ensure that the above-mentioned gap will be covered by the project contractors. Each Contractor and the implementing entity will have to follow this LMP and introduce their own Grievance Redress Mechanism. Contractors will not hire persons aged under 18 for working in the project activities. In addition, the social risk and GBV risk for the project is considered high, adequate mitigation measures shall be considered during project implementation including the preparation of the GBV/SEA/ Action Plan.

5.3 ILO fundamental conventions ratified by Somalia

Somalia has been a member of the International Labour Organization (ILO) since 1960. The country has ratified 7 out of 8 fundamental conventions of ILO, including the following:

Forced Labour Convention (1930/no. 29). The key objective of the Convention is to suppress the use of forced labor in all its forms. It defines forced labor as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’. The Convention has been in force in Somalia since 1960.

The Freedom of Association and Protection of the Right to Organize Convention (1948) No 87: Article 3 (1) Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Somalia ratified the Convention in 2014.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98): Article 1 Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency. Somalia ratified the Convention in 2014.

Convention concerning Forced or Compulsory Labour (ILO No. 29): Article I Each Member of the International Labour Organization, which ratifies this Convention, undertakes to suppress the use of forced or compulsory labor in all its forms within the shortest possible period. Article 5 1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labor for the production or the collection of products which such private individuals, companies or associations utilize or in which they trade. The Convention has been in force in Somalia since Nov 18th, 1960.

Convention on the Rights of the Child: The Convention on the Rights of the Child from 1989 is the most comprehensive compilation of international legal standards for the protection of the human rights of children. It acknowledges children as individuals with rights and responsibilities according to their age and development, as well as members of a family or community. This includes non-discrimination, the best interest of the child, the right to life, survival and development and the right to participation. Somalia ratified the Convention in 2015.

Constitution of the International Labor Organization: The constitutional principle is that universal and lasting peace can be established if it is based on social justice. The ILO has generated such hallmarks of industrial society as the eight-hour work day, maternity protection, child labor laws, and a range of other principles. Somalia has been a member of the ILO since 1960.

ILO Convention 182 on Worst Forms of Child Labor. Ratification of this Convention makes a country commit itself to taking immediate action to prohibit and eliminate the worst forms of child labor. Some predefined worst forms of child labor include sale of a child, trafficking of children, forced or compulsory labor, commercial exploitation of children, prostitution or the production of pornography, and work by its nature that is likely to harm the health, safety and morals of children. The Convention was ratified by Somalia in 2014.

5.4 Institutional Framework for Labor

The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks at the Federal level. Currently, there are 160-170 staff at the federal level, but there is no clear job assignment and distribution of roles and responsibilities. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While 5 States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection. While the new government established under the new Provisional Constitution is still nascent, there are significant gaps² in the implementation of the Labour Code.

The Department of Legal and Labor Relation under the FGS Ministry of Labor and Social Affairs is responsible for the implementation of the labor Laws. It has five sections, namely: Child Labor, Foreign Employment, Trade Union and Industrial Relation, Recruiter's License/Permit and Labor Migration.

Below is the list of relevant provisions of the Labour Code on the institutional arrangements of labor authorities.

1) Central Labor Authority (Article 106)

- The FGS Ministry of Labor is the Central Labour Authority for the purposes of implementing the labor Code.
- The Central Labour Authority, through the Legal and Labor Relations Department, shall ensure compliance with the provisions of this Code.
- The Head of the Labour Department shall have the rank of Central Labour Inspector.

2) District labor inspectorates (Article 107)

- A district labor inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of district labor inspector who shall be appointed by the Secretary.

3) Duties of district labor inspectors (Article 108)

² The ILO is supporting the government in developing capacity of the MOLSA, Labor Ministries of Federal Member States and labor partners (Employers and Workers) for effective implementation of Labour Code.

- The district labor inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and mediate in labor disputes falling within his competence.
- 4) Power of inspectors (Article 110)
- The Central Labour Inspector and district labor inspector shall have the power to:
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
 - b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
 - c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.
- 5) Individual labor disputes (Article 134)
- An individual labor dispute shall be submitted by any of the parties to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.
- 6) Collective labor disputes (Article 135, 136, 137)
- A collective labor dispute arising at the district, firm or factory level shall be submitted to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

Note that, the Federal Member States have duplicated the hierarchical at the FGS Labor Ministry and Social Affairs (MOLSA) in terms of management and institutional arrangements as listed above.

6 BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

Occupational Health and Safety (OHS). The Labour Code³ covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labour Code with regard to OHS.

1) Protection against possible risks (Article 101)

- All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:
 - a) Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health
 - b) Take suitable measures to prevent contamination of work-places from toxic gases, vapours, dust, fumes, mists and other emanations;
 - c) Provide sufficient and suitable toilet and washing facilities, separate from men and women workers;
 - d) Provide an adequate supply of drinking water easily accessible to all workers;
 - e) Maintain fire-fighting appliances and staff trained in their use;
 - f) Provide the necessary safety appliance adapted machinery and plant;
 - g) Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
 - h) Provide suitable installations for the removal of refuse and drainage of residual waters;
 - i) Take the necessary precautions in his establishment to protect the life, health and morality of the workers;
 - j) Ensure that his staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
 - k) Post in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
 - l) Supply the workers with the apparatus and instruments (personal protective equipment) to guard against the risks inherent in the work;
 - m) Take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

2) Notification of industrial accidents and occupational diseases (Article 102)

- The employer shall immediately notify the competent labor inspectorate of all accidents resulting in injury of death and occupational diseases.

3) Medical facilities (Article 103)

- Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.

4) Conveyance of injured and sick workers (Article 104)

- It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

1) Medical examination (Article 95)

- Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on

³ The Revised Draft Somalia Labour Code has more emphasis on occupational health and safety requirements. It makes the Director of Occupational Safety and Health (OSH) responsible for the registration of hazards and risks, regulation and supervision of all workplaces and monitoring or enforcing compliance with Labour Code and any other labor law to the extent that they regulate safety, health and welfare in the workplaces. Part VI of the Revised Draft Labour Code covers the administration of occupational accidents, injury and disease provisions at work place, employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses and penalties etc.

which they are to be employed. Thereafter the employer shall arrange for a medical examination once a year for children and young persons until they reach the age of 18 years.

- Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
- Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

Worker's organizations. Below is the list of provisions of Labour Code with regard to worker's organizations.

- 1) Organization and purpose (Trade Unions) (Article 9 and 10)
 - The organization of labor unions shall be free.
 - Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
 - Every person is free to join a trade union within the framework of his occupation.
 - A trade union shall be established by a notarial act. It shall have a minimum of 50 members.
- 1) Freedom of association (Article 15)
 - It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to
 - (a) Make the employment of a worker subject to the condition that he shall not join a labor union or shall relinquish trade union membership;
 - (b) Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.
 - It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labor union.
- 2) Rights of trade union (Article 25)
 - A trade union shall have the rights to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal actions arising out of such contracts or based on the law.

OSH inspection and enforcement: OSH Labour Inspectors have the power to enter to carry out their duties, the Inspectors of Labor must have made for them identification cards to verify that:

- i. They are Labor Inspectors.
 - ii. This Labor Code authorizes them to inspect work premises according to the terms that the code mandated.
 - iii. Therefore, for them to become acquainted with the conditions of work and of the workers, the Inspectors of Labor can enter at any proper time, without warrant or prior notification, any premises where work is undertaken or wherever employees are at work at the time or are receiving training/education or wherever data of any kind about employees is stored, that is not a currently inhabited house,
- Labour inspectors have authority to inspect work sites in accordance with the code, advice the employers about employees' rights and the employees about their work responsibilities.

The following gaps have been identified with regard to the existing OHS legislation.

The implementation of the requirement of the OHS provision in the Labour Code is not adhered to. FGS and Somaliland have capacity gaps in the form of the availability of competent teams to ensure all the requirements are met. There is a glaring gap with regard to the community health and safety provisions. There is no sectoral health and safety policy to guide the implementation of the sectoral OHS.

The PIUs could refer to applicable International Best Practices by World Bank Group and international conventions, and directives for addressing health and safety issues, such as:

- World Bank Group Environmental, Health, and Safety Guidelines for Electric Power Transmission and Distribution, 2013
- World Bank Group. Environment and Social Framework Safeguards interim note: COVID-19 considerations in construction/civil works projects, 2020.
- World Bank Group. Environmental, Health, and Safety Guidelines. General EHS Guidelines, April 30th, 2007.
- World Bank Group. Good Practice Note – Assessing and Managing the Risks and Impacts of the Use of Security Personnel, 2018.
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017

6.1 World Bank Group (WBG) General EHS Guidelines, 2007

The Environmental, Health, and Safety (EHS) Guidelines are technical reference documents with general and industry-specific examples of good international industry practice. These general EHS guidelines are designed to be used together with the relevant Industry Sector EHS guidelines, which guide users on EHS issues in specific industry sectors. Under the General EHS guidelines, the World Bank has several guidelines many of which apply to various components of the proposed project namely: Environmental, Occupational Health and Safety, Community Health and Safety, and Construction and Decommissioning.

6.1.1 World Bank Environmental, Health, and Safety Guidelines for Electric Power Transmission and Distribution

The EHS Guidelines for Electric Power Transmission and Distribution include information relevant to power transmission between a generation facility and a substation located within an electricity grid, in addition to power distribution from a substation to consumers located in residential, commercial, and industrial areas. Some of the followings are addressed in the EHS Guidelines:

- Construction site waste generation; ·
- Terrestrial Habitat Alteration
- Construction of Right-of-Way
- Avian and Bat Collisions and Electrocutions

These guidelines should be followed and incorporated into contracts and followed by contractors and consultants. The project should also follow relevant COVID-19 guidance, such as ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects. PIU and Owners engineer will supervise and monitors the implementation by the Contractor(s) who will take note and implement as part of the contractual obligation of these guidelines.

7 RESPONSIBLE STAFF

Project Coordinators (PCs) at the Project Implementation Units (PIUs) in FGS and Somaliland, where project activities are taking place, will be responsible for the overall project management and coordination, including compliance with safeguards requirements such as those contained herein. The PCs will engage consultant(s) with expertise in environmental, social, and OHS issues. The PCs will be responsible for the following tasks:

- a) Engage and manage consultants and contractors in accordance with this LMP and applicable procurement documents.
- b) Ensure that the GRM for project workers is established and implemented and that project workers are informed about it.
- c) Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents Monitoring the implementation of the Worker Code of Conduct.
- d) Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
- e) Provide training to mitigate social risks of project workers.
- f) Report to the World Bank on labor, and OHS performance and key risks and complaints.
- g) Undertake the overall implementation of this LMP.

The PIUs have social and environmental safeguards officers who will be responsible for promoting implementation of the LMP and OHS requirements within the project. The project coordinator and entire PIUs have the responsibility to implement these components which are integral to the project. The PIU Social Safeguards Team will be, specifically, responsible for the following tasks related to labor and working conditions: supervise the preparation and implementation of the GRM for contracted workers, including ensuring that grievances received from the contracted workers are resolved promptly, and report the status of grievances and resolutions regularly to the PIUs and World Bank.

- a) Ensure all contractors and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC.
- b) Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities; and
- c) Maintain records of recruitment and employment of contracted workers (including sub-contractors);
- d) Ensure that all contractors appoint a designated OHS officer, that the officer receives training on the LMP, and that the officer is present at the workplaces.
- e) Provide induction and regular training to the PIUs' directly contracted workers on environmental, social and OHS issues and keep the training records.
- f) Ensure that contractors provide the training to all the workers and subcontractors and keep these records intact,
- g) Require primary supplier(s) to identify and address risks of child labor, forced labor and serious health and safety issues and undertake due diligence to ensure this is done.
- h) Supervise workers' adherence to the LMP.
- i) Ensure all contractors and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC.
- j) Ensure the abbreviated CoC (one-pager) is displayed in all project supported facilities.
- k) Maintain records of recruitment and employment of contracted workers (including sub-contractors);
- l) Ensure that all contractors appoint a designated OHS officer, that the officer receives training on the LMP, and that the officer is present at the workplaces.
- m) Provide induction and regular training to the PIUs' directly contracted workers on environmental, social and OHS issues and keep the training records.

- n) Ensure that contractors provide training to all workers and subcontractors and keep these records intact,
- o) Require primary supplier(s) to identify and address risks of child labor, forced labor and serious health and safety issues and undertake due diligence to ensure this is done.
- p) Supervise contractors and workers' adherence to the LMP.

The Project Operational Manual (POM) will include standard templates of contracts which include LMP, OHS aspects, and the contractors (Civil Works) commit to them. The contractors will be required to hire OHS Officer, who will be answerable to the Project Manager as well as PIUs Safeguards Officer(s). The Contractors' OHS shall do the following:

- ✓ Follow the labor management procedures and occupational health and safety requirements in line with the Contractors' ESMP provisions and stated in the contracts signed with Implementing Agency.
- ✓ Prepare site specific LMP and OHS plan that would cover any worksite for which the contractor is responsible,
- ✓ Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements.
- ✓ Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- ✓ Communicate clearly job descriptions and employment conditions to all workers.
- ✓ Make sure every project worker hired by contractor/subcontractor is aware of the implementing agency dedicated phone number, email address, and web portal through which anyone can submit grievances.
- ✓ Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe labour and keep these records, Provide induction and regular training to all workers on environmental, social and OHS issues, and keep these training records.
- ✓ In collaboration with Implementing Agency Safeguards Specialists, conduct training on labour management procedures and occupational safety to manage subcontractor performance.
- ✓ Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, and supervise compliance with the Code.

It is notable that since the PIUs have just been formed, the LMP protocols to be developed by Management should clearly assign responsibilities to each of the members for efficient oversight. For instance, the social safeguards officer should oversee the implementation of the GRM and ensure appropriate stakeholder consultation (ESS10). Other functions would include:

- a. Monitoring, supervising, and reporting on health and safety issues relating to SESRP activities including details on key responsibilities and reporting arrangements for the Project Supervising Team and the main contractor.
- b. Coordinating and reporting arrangements between contractors.
- c. Following up on the feedback mechanisms between the contractors and their workers and flagging out any issues for redress; and
- d. Reporting on a regular basis on the workers GRM implementation progress.

Error! Reference source not found. 4 presents a summary of the project staff/entity responsible for various key responsibility areas.

Table 4: Summary of project staff and key responsibilities

| Responsibility area | Direct and contracted workers | Primary supply workers |
|---|---|---|
| Hiring and managing individual direct workers | PIUs will oversee the work of consultants hired to support SESRP activities | n/a (outside the scope of ESS2) |
| OSH | Environment Safeguards Specialist will follow up the implementation of OHS measures, Refer to the recommendation of the LMP. | <ul style="list-style-type: none"> • The PIUs will assess the risk of serious safety issues by primary suppliers and as needed require them to develop procedures to address these risks |
| Child labor and forced labor | The contract does not allow child and forced labor. | <ul style="list-style-type: none"> • Primary supplier to adhere to child labor requirements • PIUs to review |
| Training | PIUs /contractors | n/a (outside the scope of ESS2) |
| Code of conduct | The contract for direct workers will address relevant risks | |
| Grievance mechanism | PIU Social Safeguard Specialists | |
| Monitoring and reporting | PIUs M&E, Third Party Monitoring (TPM) and report to the World Bank | <p>Relevant PIUs to monitor and report to PIUs Coordinator</p> <p>PIUs to report to World Bank.</p> |

8 LABOUR PROCEDURES

As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures, highlighted in the POM, will be followed by contractors and monitored by the Social Safeguards Specialist, to ensure fair treatment of all employees:

- ✓ Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- ✓ Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- ✓ Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- ✓ All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- ✓ Unskilled labor will be preferentially recruited from the surrounding communities, with a goal of at least 50 percent.
- ✓ Employees will be informed (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers before the expected release date of the coming termination.
- ✓ The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- ✓ Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the language that is understandable to both parties.
- ✓ In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- ✓ Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration; this shall prevail upon all the project workers.

A summary of *indicative procedures* to develop and implement the LMP policies is provided below.

- a) **Occupational health and safety (OHS):** Pursuant to the relevant provisions of the Labour Code known as Act No. 31 of 2004: Private Sector Employees Law (Law No. 31/2004), ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs), and WB standard procurement documents), the PIUs will manage the project in such a way that project workers are properly protected against possible OHS risks. The contractors will also be required to produce OHS policies and procedures, and plans in line with these provisions. Key elements of OSH measures include: (i) identification of potential hazards to workers; (ii) provision of preventive and protective measures; (ii) training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities.
- b) **Labor influx:** To minimize labor influx, the project will contractually require the contractors to preferentially recruit unskilled labor from the local communities and nearby areas. All contracted workers will be required to sign the CoC prior to the commencement of work, which includes a provision to address the risk of GBV and SESA.
- c) **Labor disputes over terms and conditions of employment:** To avoid labor disputes, fair terms and conditions will be applied for project workers (guided by relevant laws). The project will also have

GRMs for project workers (direct workers and contracted workers) to promptly address their workplace complaints. Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the *Private Sector Employees Law (Law No. 31/2004)*.

- d) **Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7:** The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the *Private Sector Employees Law (Law No. 31/2004)* on gender equality in the workplace, which will include provision of maternity and sick leave. There will also be enough and suitable toilet and washing facilities, separate for men and women workers, as the community cultures demand. The contracts with third parties will include these requirements which will also be part of the monitoring system.
- e) **Security risks:** Some of the target project areas are located in areas with perpetual fears of insecurity. PIUs will work closely with the Ministry of Security to ensure the security of the workers and the facilities involved in SESRP are responsive and in line with project Security Management Framework (SecMF) and Security Management Plan (SecMP).
- f) **Gender-based violence (GBV) and Sexual harassment, exploitation and abuse (SHEA):** Given the implementation context, sexual harassment, exploitation and abuse of co-workers is a likely risk. Thus, all staff and contracted workers should sign the code of conduct (CoC) outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions. PIUs will identify a qualified trainer/consultant to offer training in GBV and SEA (the development partners may be approached to offer support with this training). A separate GRM will be established for addressing GBV and SEA complaints.
- g) **Child Labor:** All workers will be 18 years old or above for civil works. This will be a requirement in all contracts with civil works contractors. PIU/Contractor will ensure that no construction workers between 15-18 years are employed,
- h) **Forced labor:** Project will not allow any form of forced, child labor, slavery, servitude, trafficking and all applicable ESS 2 provisions. It will hold all contractors liable for the implementation of the LMP, the PIU will have overall responsibility to monitor the implementation of the LMP.

9 AGE OF EMPLOYMENT

- SESRP will only engage persons with a minimum age of eighteen (18) and this will be enforced during recruitment and monitored by the contractors.
- Contractors will verify identity and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. Contractors will liaise with community members to attest to the age and conduct of all local hires and maintain a list of same.
- Hired project workers above 18 will conduct their activities in ways that are not detrimental with respect to education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- Liaise with labor inspectors/ concerned authorities, and conduct announced and unannounced inspection visits to work sites (related to the project),).
- If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

The process of age verification. Verification of the age shall be undertaken prior to the engagement of labor and be documented. Below is indicative age verification means that could be used in Somalia context where official ID system is broadly unavailable:

- 1) Check the birthday on official documents such as birth certificate, national ID or other credible records, where available;
- 2) Obtain written confirmation from the medical practitioner, parents or guardian; or
- 3) Inquire with the local community leader, community action group or with other credible community sources.

10 TERMS AND CONDITIONS

Provision of written individual contract of employment. A written individual contract of employment shall be provided to workers that specify the following: (a) name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract. Depending on the origin of the employer and the employee, employment terms and conditions will be communicated in a language that is understandable to both parties. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Notice for termination of contract. Either of the contracting parties may terminate a contract of employment by giving written notice as under: (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers. No notice needs to be given in case the duration of contract does not exceed one month. For other field staff who may be found in breach of confidentiality or falsifying information. Termination should be forthwith even if contractual period were more than one month.

Minimum Wages. While the mechanism to set the official minimum wage by the presidential decree (Labour Code, Article 72) is not currently functioning, the market rate is available for each job type in different locality. The fair market rate will be identified and applied for project workers.

Hours of Work. The normal hour of work of a project worker shall not exceed 8 hours a day or 48 a week. Hours worked in excess of the normal hours of work shall not exceed 12 hours a week and shall entitle a worker to a proportionate increase in remuneration.

Rest per week. Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week. Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

Annual leave. Workers shall be entitled to 15 days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

Maternity leave. A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

Nursing breaks. A female worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

Deductions from remuneration. No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The employer shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

Death benefit. In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

Medical treatment of injured and sick workers. It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Collective Agreements. A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such provisions will be applied, where relevant.

11 MONITORING AND REPORTING

Monitoring and reporting: The PIUs shall report on the status of implementation of the above policies and procedures on a quarterly basis. The PIUs will closely monitor labor and OHS performance of the project and report to the World Bank on a quarterly basis.

Fatality and serious incidents: In the event of an occupational fatality or serious injury, the PIUs shall report to the World Bank as soon as it becomes aware of such incidents and inform the MoEWR and MoEM in accordance with national reporting requirements, typically within 24 hours for a fatality, 48 for a serious injury. Corrective actions shall be implemented in response to project-related incidents or accidents. The PIUs or, where relevant a consultant, may conduct a root cause analysis for designing and implementing further corrective actions.

12 GRIEVANCE REDRESS ARRANGEMENTS

Grievance redressal is a critical component of effective LMP implementation. The purpose of GRM is to provide a forum to the internal and external stakeholders to voice their concerns, queries and issues with the project. Such a mechanism would provide the stakeholders with one project personnel or one channel through which their queries will be channelled and will ensure timely responses to each query.

This will allow for trust to be built amongst the stakeholders and prevent the culmination of small issues into major community unrest. The GRM will be accessible and understandable for all stakeholders in the project and for the entire project life. The GRM will be communicated to all relevant stakeholders and will also be applicable for any contractor that will occupy and/or use land during the construction and operations phase.

A grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns. Such workers will be informed about the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers in line with the following:

General principles: Typical workplace grievances include demand for employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. Therefore, a separate grievance mechanism will be established for project workers (direct workers and contracted workers), as required in ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential. However, there is a need for contact information will be emphasized to the worker for further follow up.

Direct workers: The project will have a compact but effective grievance system for direct workers. Each unit engaging direct workers (PIUs, field staff, and the consultants) will hold periodic team meetings to discuss any workplace concerns, the anonymity of the complainants shall be maintained. The grievance raised by workers will be recorded with the actions taken by each unit. The summary of grievance cases will be reported to the World Bank as part of the regular report. Where the aggrieved direct worker wishes to escalate their issue or raise their concerns anonymously and/or to a person other than their immediate supervisor/hiring unit, the worker may raise the issue with the World Bank task team. Where the consultant has an existing grievance system, their contracted workers should use such mechanism.

National appeal process: As per the national Labour Code (Article 134), any individual labor dispute can be submitted by any of the parties to the competent district labor inspector for conciliation, where such labor inspector is available. The inspector is mandated to attempt to settle the dispute within 14 days of its submission.

Grievances related to Gender Based Violence (GBV): To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the grievance mechanism shall have a different and sensitive approach to GBV related cases and should be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant, should be provided with information about and assistance to access if requested: confidential appropriate medical and psychological support, emergency accommodation, and any other necessary services as appropriate including legal assistance.

All staff and GRM focal points should be informed that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant is referred to service provision. If a worker on the project is involved the incident should be immediately reported to the National Program Coordinator who will provide further guidance after consulting with the World Bank.

Details of any security risks: details of risks the contractor may be exposed to while performing its work—the threats may come from third parties external to the project.

Worker grievances: details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report.

COVID-19 Consideration: Detail assessment and mitigation of the risks of COVID transmission among workers and to provide a safe environment for project workers and local communities.

12.1 Grievance Definition and Categories

As stated earlier, a grievance is a concern or complaint raised by an individual or a group within communities affected by company operations. Both concerns and complaints can result from either real or perceived impacts of a company's operations, and may be filed in the same manner and handled with the same procedure.

Grievances may take the form of specific complaints for actual damages or injury, general concerns about project activities, incidents and impacts or perceived impacts. Based on the understanding of the project area and the workers, an indicative list of the types of grievances have been identified for the project, as can be seen below: -

Internal Grievances: Grievances from Employees (including both direct and indirect employees, including local workers and migrant workers through contractors):

- Complaints pertaining to amount of wage, salary, other remuneration or benefits as per Company's Human Resource policy;
- Timely disbursement of remuneration;
- Gender discrimination;
- Issues related to workers organization.
- Labour Accommodation
- Health and Safety issues
- Extended working hours

External Grievances:

- Issues related to transportation and traffic;
- Increase in environment pollution;
- Impact on community health;
- Disturbances to locals due to influx of migrant workers in the area;
- Issues arising out of sharing of employment and business opportunity;
- Concerns over the impact on local cultures and customs; and
- The list of grievances will be regularly updated as and when the new one arises.

The workers grievance mechanism will include:

- a procedure to receive grievances such as comment/complaint form, suggestion boxes, email, a telephone hotline;
- stipulated timeframes to respond to grievances;
- a register to record and track the timely resolution of grievances;

- a responsible department to receive, record and track resolution of grievances.

The workers grievance mechanism will be described in staff induction trainings, which will be provided to all project workers. The mechanism will be based on the following principles:

- The process will be transparent and allow workers to express their concerns and file grievances.
- There will be no discrimination against those who express grievances and any grievances will be treated confidentially.
- Anonymous grievances will be treated equally as other grievances, whose origin is known.
- Management will treat grievances seriously and take timely and appropriate action in response.
- Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of “suggestion/complaint boxes”, and other means as needed.

12.2 Direct workers’ GRM structure

To mitigate the risks related to direct workers a GM for Direct Workers will be established.

First level. Social Specialist at the Project Implementing Unit will be responsible to receive, consider and address in a timely manner the grievances, including the concerns on unaccounted working hours and lack of compensation for overtime, delay in/non-payment of salaries. If the issue cannot be resolved at first level within 7 working days, then it will be escalated to the next level.

Second level. Project Coordinator is a second level GM for direct workers if there is a situation in which there is no response from the Social Specialist or if the response is not satisfactory then complainants and feedback providers have the option to appeal directly to the National Project Coordinator to follow up on the issue. The complaints should be considered and feedback provided within next 7 working days.

12.3 Contracted worker’s GM structure

Contractors should develop its own GM and to resolve the grievances of contracted workers. Grievance Officer (GO) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If the issue cannot be resolved at contractor’s level within 7 working days, then it will be escalated to the Social Specialist at the local level.

Local Level Social specialist of PIU will serve as Grievance Officer (GO) to file the grievances and appeals of the project workers. He/She will be responsible to coordinate with relevant departments/organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at the local level within 7 working days, then it will be escalated to the Agency level.

Central level: If there is a situation in which there is no response from the Local Level Social specialist, or if the response is not satisfactory then complainants and feedback providers have the option to contact the National Program Coordinator in Ministries (MoERD and MoEWR office to directly follow up on the issue.

12.4 Receiving and Recording Grievances

As part of the GRM, the grievances from the workers or their representatives may be communicated verbally (in person to the respective supervisor or over a telephonic conversation) or in written form (in the form given below). All grievances communicated in any of these mediums shall be recognized and recorded by the supervisor as and when it is expressed.

Table 5: Sample Grievance Recording Form

| GRIEVANCE REGISTRATION | |
|---|--------------------------|
| CASE No. | DATE |
| Name | |
| Department/Contractor Name | |
| Phone Number | |
| Details of Grievance | |
| | |
| | |
| Name of Person Recording Grievance | |
| Designation of Person Recording Grievance | |
| Proposed Date of Response to Grievance | |
| | |
| Signature of Recording Person | Signature of Complainant |
| | |
| GRIEVANCE REDRESSAL RESPONSE | |
| Date of Redress | |
| Decision of GO (Give full details) | |

The project should also put in place suggestion/ complaint boxes at strategic locations across the facility. These suggestion/complaint boxes will be opened at least every week. The employees and workers may drop their grievances in these boxes as well in keeping with the format attached. In case of any worker or employee needs to file an anonymous complaint, s/he shall be allowed to do so by not filling the Name, department, signature and contact information.

12.5 Maintaining a Grievance Register

Each grievance thus received, shall be recorded in a grievance register. The format for the grievance register shall be as follows.

Table 6: Sample Grievance Recording Register

| Date | GR# | Name of Complainant | Village | Grievance Details | Concerned Department | Name of Recording Person | Present Status | Remarks |
|------|-----|---------------------|---------|-------------------|----------------------|--------------------------|----------------|---------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

This grievance register shall be updated at each stage of grievance redressal. Once the grievance is recorded in the register, a preliminary analysis shall be undertaken by the grievance officer (preferably HR representative) to ensure that the grievance is within the scope of the GRM.

12.6 Acknowledgement of Grievance

Once the grievance is received, a grievance number shall be allocated and communicated to the grievant. This communication shall also serve as an acknowledgement of the grievance. In case the grievance is assessed to be out of the scope of the LMP-GRM, a communication towards the same shall be made to the grievant, and an alternative mode of redressal shall be suggested. As part of this acknowledgement a tentative timeline for the redressal of the grievances shall be identified, in keeping with the process below. This acknowledgement shall be provided on the same day as the grievance is received.

Table 7: Sample Acknowledgement Receipt for Complainant

| |
|--|
| <p>This receipt is in acknowledgement of a grievance registration by __ resident of village _____ on date _____ His casenumber is _____ and the date for response is _____</p> <p>Full name & signature of recording person _____</p> |
|--|

In case the grievance is assessed to be out of the scope of the GRM, a communication towards the same shall be made to the grievant, and an alternative mode of redressal shall be suggested.

12.7 Resolution, Escalation and Closure Allocation of Responsibility

Once the grievance is received and recorded, based on the subject and issue, the Grievance Officer shall identify the department, contractor or personnel responsible for resolving the grievance.

The Grievance Officer and concerned department shall then undertake an enquiry into the facts and figures relating to the grievance. This shall be aimed at establishing and analyzing the cause of the grievance and subsequently identifying suitable mitigation measures for the same. The analysis of the cause will involve studying various aspects of the grievance such as the employees past history, frequency of the occurrence, management practices, etc.

As part of this investigation, the grievance officer may also undertake confidential discussions with the concerned parties to develop a more detailed understanding of the issue at hand. The site investigation shall be completed in no more than 10 working days of receiving the grievance. Resolution, Escalation and Closure Based on the understanding thus developed, the grievance officer, in consultation with the concerned departments, shall identify a suitable resolution to the issue.

This resolution shall be accordingly communicated to the grievant within 10 working days of completing the site investigation. In case the issue is beyond the purview of the grievance officer, it should be escalated to the department head or Owner's Engineer (as appropriate).

A communication regarding the same shall be provided to the grievant. The Contractors' RE shall in turn endeavor to resolve the grievance within 10 working days of the escalation.

The Contractors' RE shall endeavor to resolve the grievance within 10 working days. If, however the Contractors' RE is not able to identify an adequate resolution for the grievance, then an adequate response shall be given to the grievant along with a suggested alternative resolution to the grievance. If at any stage, the grievant is not satisfied with the solution, s/he may choose to ask for an escalation of the grievance to the next level.

12.8 Update of Records

The records of the grievance register shall be updated every working week with the present status of the grievance. Once the grievance is resolved, and the same has been communicated to the grievant, the grievance shall be closed in the grievance register. The grievance register should also provide an understanding of the manner in which the grievance was resolved. These instances shall then serve as references for any future grievances of similar nature. In case of anonymous complaints, a summary of the grievance and resolution shall be posted on the notice boards and other relevant public places.

The grievance register should also provide an understanding of the manner in which the grievance was resolved. These instances shall then serve as references for any future grievances of similar nature.

12.9 Monitoring of the GRM Implementation

It is important to monitor GRM to ensure that the grievances are addressed and resolved. The monitoring of the GRM implementation will be undertaken on a monthly basis by the PIUs. Monitoring will include:

- Auditing the implementation of the GRM;
- Monitoring the formal and informal consultation activities conducted with the stakeholder groups with respect to GRM;
- Tracking feedback received from engagement activities
- Recording and tracking commitments made to communities; and
- Assessing the efficacy of the engagement activities in terms of the desired outcomes and the participation of the stakeholder groups

12.10 Reporting of the GRM

The performance of the GRM will be reviewed on a quarterly basis during the implementation period. For the purpose of review, the quarterly reports will be considered for analysis and discussion. On the basis of these reports, a Grievance Redressal Report will be prepared.

12.11 WB's Grievance Redress Service (GRS)

Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

Any Worker who believes that a World Bank-supported project has or is likely to, adversely affect them can submit a complaint. Complaints must be in writing and addressed to the GRS. They can be sent

- ONLINE – through the GRS website at www.worldbank.org/grs
- BY EMAIL at grievances@worldbank.org
- BY LETTER OR BY HAND delivery to any World Bank Country Office
- BY LETTER to the World Bank Headquarters in Washington at The World Bank Grievance Redress Service (GRS) MSN MC 10-1018 1818 H St NW Washington DC 20433, USA

For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

Figure 1 below gives the summarized and practical steps that have been suggested on how to address the LMP grievances for the project:

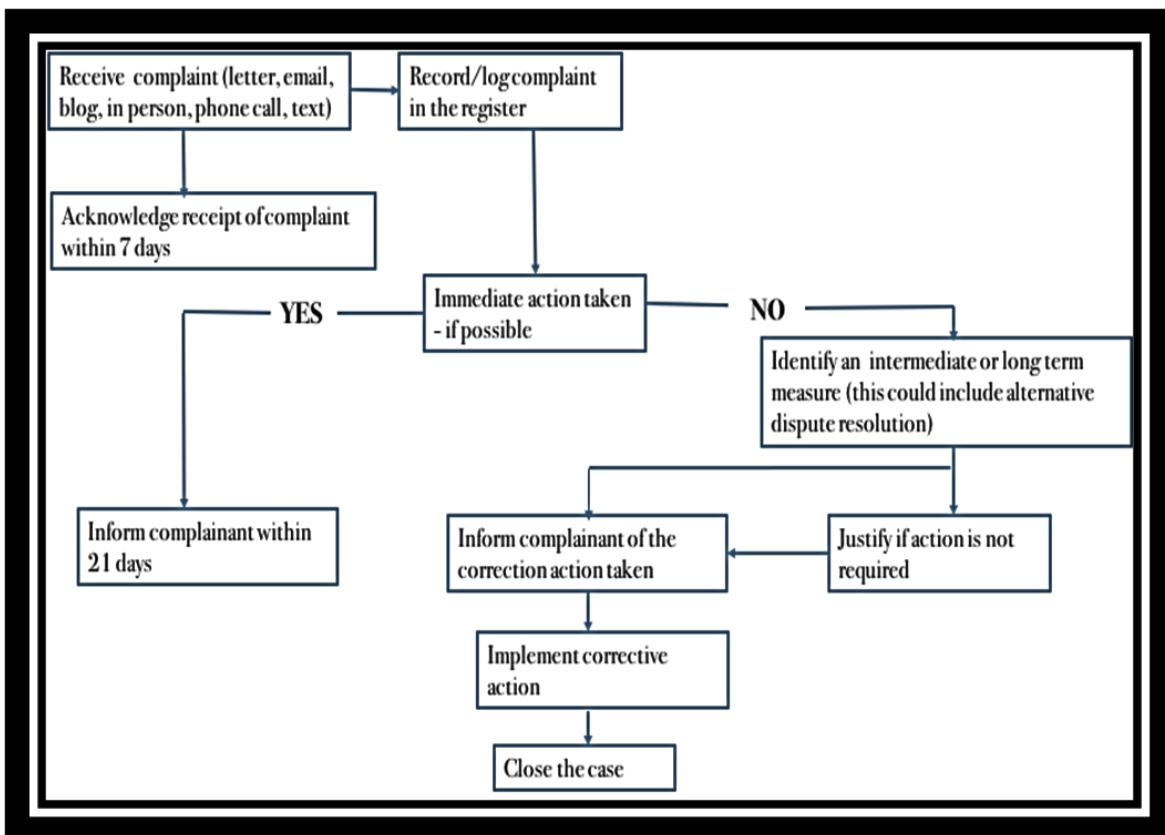


Figure 1: Practical Steps to be used in Addressing Grievances

13 CONTRACTOR MANAGEMENT

Prior to beginning the procurement process, the Borrower will undertake market analysis to identify the possible sellers of solar panels to the project. The bidding documents will mitigate forced labor risks in solar panels and components by requiring that sellers of solar panels to the project will not engage or employ any forced labor among their work force. Procurement of solar panels and components will be subject to prior review to ensure the Borrower is mitigating the supply chain risk. In addition, the Environmental and Social Commitment Plan requires the Borrower to ensure that relevant environmental and social requirements to be included in the terms of reference and tender documents for works contracts and supervision (including codes of conduct, coordination, monitoring reports, and grievance management mechanisms); and include provisions for non-compliance. Finally, under Environmental and Social Standards 2 (ESS2), to mitigate the risk of forced labor related to primary supply workers, the Borrower will require the primary supplier to identify those risks and if forced labor cases are identified, the Borrower will then require the primary supplier to take appropriate steps to remedy them. Ultimately, where remedy is not possible, the Borrower will, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of ESS2. Additional mitigation measures include:

- The PIUs will ensure that contracted workers (contractors, subcontractors, brokers, agents or intermediaries) are legitimate and reliable entities,
- Have documentation of their business licenses, registrations, permits and approvals,
- Should have safety and health personnel, review their qualifications and certifications,
- Records of safety and health violations, and responses, accident and fatality records and notifications to authorities
- Records of legally-required worker benefits and proof of workers' enrolment in relevant programs, worker payroll records, including hours worked and pay received,
- Contractors to prepare Labor Management Plans as part of Contractor's ESMPs based on the provisions of this LMP and the details of labor to be used in those contracts. These plans will be reviewed and cleared by the PIUs, as appropriate.

14 PRIMARY SUPPLY WORKERS

Selection of primary suppliers. When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor/forced labor and serious safety risks. The PIUs and the consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. Where appropriate, the project will be required to include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.

- The PIUs will review industry labor issues relating to the supply of goods and materials that will be required under SESRP and the risks, and implement actions to mitigate such risks
- The PIUs will also track suppliers' performance to help inform whether procedures and mitigation measures are being appropriately implemented and provide feedback on performance and any new areas of risk
- Specific requirements on child labor, forced labor and work safety issues will be included in all purchasing orders and contracts with suppliers.

Remedial process: If child labor/forced labor and/or serious safety risks are identified, the PIUs and the consultants will require the primary supplier to take appropriate steps to remedy them. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, the PIUs and the consultants will, within reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

15 STAKEHOLDER CONSULTATIONS

The final consultation and disclosure workshop for this LMP will be held by video conferencing and telephone calls with the relevant stakeholders along the project implementation (national and other levels) including the communities who meet the requirements of World Bank under ESS 7⁴: Sub-Saharan African Historically Underserved Traditional Local Communities and also the vulnerable and marginalized communities and individuals. These vulnerable groups/individuals in this project are IDPS, women, female-headed households, single parents, school-going children, physically challenged persons, elderly, the sick and expectant mothers.

⁴ The “Sub-Saharan African Historically Underserved Traditional Local Communities” (or as they may be referred to in the national context using an alternative terminology) is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; (b) Collective attachment⁶ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside. Footnote . “Collective attachment” means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. This ESS⁷ also applies to communities or groups of Indigenous Peoples (IPs) /Sub-Saharan African Historically Underserved Traditional Local Communities who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area. This ESS also applies to forest dwellers, hunter-gatherers, pastoralists, or other nomadic groups subject to satisfaction of the criteria in paragraph”.

References:

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- b. International Finance Corporation. 2007. Environmental, Health, and Safety Guidelines for Electric Power Transmission and Distribution.
- c. International Finance Corporation. 2007. General EHS Guidelines-Occupational Health and Safety. www.ifc.org/ehsguidelines,
- d. International Labour Organization Safe Work website. <https://www.ilo.org/safework/lang-en/index.htm> 2009. Guidelines on occupational safety and health management systems. □ Second Edition. ILO-OSH, Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107727.pdf
- e. International Organization for Standardization. 2018. Occupational health and safety management systems –Requirements with guidance for use. □ International Organization for Standardization, Geneva. <https://www.iso.org/standard/63787.html>,
- f. The World Bank (2017). Working Together to Prevent Sexual Exploitation and Abuse: Recommendations for World Bank Investment Projects. The World Bank, Washington, D.C.
- g. The World Bank, Environmental & Social Framework for IPF Operations. Addressing Sexual Exploitation and Abuse and Sexual Harassment (SEA/SH) in Investment Project Financing involving Major Civil Works, Feb 2020.
- h. The World Bank, Environmental and Social Framework, 2018,
- i. The World Bank, ESS1: Assessment and Management of Environmental and Social Risks and Impact, Guidance Note 2 for Borrowers, June 2018.
- j. The World Bank, ESS2: labor and Working Conditions, Guidance Note 2 for Borrowers, June 2018.

16 ANNEXES

16.1 Annex I: Guideline on Code of Conduct

A satisfactory code of conduct will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the ministries, the location and the project sector or to specific project requirements. The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

- Received a copy of the code.
- Had the code explained to them.
- Acknowledged that adherence to this Code of Conduct is a condition of employment; and
- Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities

DOs

1. Wear always prescribed and appropriate personal protective equipment on site.
2. Wash hands, always sanitize and observe social distancing and follow WHO and the government SOPs and updated guidelines.
3. Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
4. Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
5. Treat women, children and elderly men, vulnerable persons, persons from the minority communities and persons with disabilities with respect regardless of race, color, language, religion, or other status.
6. Report any violations of this code of conduct to workers' representative, HR or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way, and
7. Comply with all labor legislative and regulatory requirements.

DON'Ts

1. Expose other people to the risk of infection in any form including risks of occupational health and safety.
2. Leave personal protective equipment lying within the project site.
3. Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.
4. Make unwelcome sexual advances to any person in any form.
5. Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion, and
6. Use alcohol or narcotics during working hours.

16.2 Annex II: Suggested CoC Template on the Company Headed Paper

We are the Contractor, [*enter name of Contractor*]. We have signed a contract with [*enter name of Employer*] for [*enter description of the Works*]. These Works will be carried out at [*enter the Site and other locations where the Works will be carried out*]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor’s Personnel**” and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor’s Personnel. Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor’s Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. Maintain a safe working environment including by:
 - a. Ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
 - b. Using appropriate measures relating to chemical, physical and biological substances and agents;
 - c. Wearing required personal protective equipment; and
 - d. Following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
7. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
8. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

9. Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
11. Report violations of this Code of Conduct; and
12. Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling gender-based violence, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters*] in writing at this address [] or by telephone at [] or in person at []; or
2. Call [] to reach the Contractor's hotline (*if any*) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact person with relevant experience*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

16.3 Annex III: Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors constituting Sexual Harassment (SH)

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation and abuse also includes sexual relations with a child, in any context, defined as:

Child - a “human being below the age of eighteen years”.

Examples of acts of sexual exploitation and abuse

- Sexual assault (defined as “any unwanted or forced sexual act committed without consent”) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:
 - actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing);
 - threats of physical aggression;
 - emotional coercion; and/or
 - Psychological blackmailing.
- Unwanted touching of a sexual nature
- Demanding sex in any context
- Making sex a condition for assistance
- Forcing sex, forcing someone to have sex with anyone
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices
- Videotaping or photographing sexual acts and posting it without permission
- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful, and

Telling someone that they or anyone else are obliged to have sex as a condition for anything.