

**FEDERAL REPUBLIC OF SOMALIA**



**HORN OF AFRICA GROUND WATER FOR RESILIENCE PROJECT SOMALIA: “ABAAR- TIR”**

**LABOR MANAGEMENT PROCEDURES**

**15th December 2022**

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## ABBREVIATIONS AND ACRONYMS

CBO	Community-based organization
CDD	Community Driven Development
CIP	Community Investment Plan
CoC	Code of Conduct
CSO	Civil Society Organization
DG	Director General
ESF	Environment and Social Framework
ESIRT	Environmental and Social Incident Reporting
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
FGS	Federal Government of Somalia
FMS	Federal Member State
FPIC	Free, prior, informed consent
GBV	Gender Based Violence
GM	Grievance Mechanism
GRC	Grievance Redress Committee
GRS	Grievance Redress System
IDPs	Internally Displaced Persons
LMP	Labour Management Procedures
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MOEWR	Ministry of Energy and Water Resources
MoF	Ministry of Finance
NGO	Non-governmental Organization
NSA	Non-State Actor
OHS	Occupational health and safety
OIP	Other Interested Parties
PAD	Project Appraisal Document
PCU	National Project Coordination Unit
PDO	Project Development Objective
PIU	Project Implementation Unit
PLWDs	People Living with Disabilities
PMC	Project Management Committee
PWDA	Puntland Water Development Authority
SRMC	Security Risk Management Company
SEAH	Sexual Exploitation, Abuse and Harassment
SecMF	Security Management Framework
SecMP	Security Management Plan
SEP	Stakeholder Engagement Plan
TOR	Terms of Reference
VDC	Village Development Committee
WASH	Water and Sanitation Hygiene
WBG	World Bank Group

## 1. INTRODUCTION

The Horn of Africa Ground Water for Resilience project is part of a regional, multi-phased initiative project planned to be implemented by Kenya, Ethiopia, Somalia, and the Intergovernmental Authority in Development (IGAD). The project gives emphasis to community-level water distribution and use and engagement in the management, operation and maintenance of Ground Water (GW), cost-effective infrastructure interventions, GW information and knowledge, as well as institutional capacity building to ensure inclusive access and sustainability of the resource.

The project is expected to improve access to safe and clean water through investments in new supply and rehabilitation of existing systems, address urgent WASH needs, and construct and rehabilitate distribution systems. The project will undertake geological, hydrogeological, and geophysical surveys in order to identify the location of promising aquifers and water points for development, increased and better-quality groundwater supply. The project will also train professional staff, establish groundwater offices and arrange access to required data and management.

Achievement of the PDO will be measured using the following three outcome indicators:

- I. Beneficiaries provided with access to improved water supply (number and percentage of women);
- II. Water points constructed or rehabilitated under the Program that are functioning (percentage of water points);
- III. Regional groundwater institutions with increased access to improved information critical for sustainable GW management (number).

Based on the Project Appraisal Document (PAD), the project consists of three components and several sub-components and activities. Components and sub-components are briefly outlined below:

	Component	Sub-component
1.	Delivering inclusive groundwater services to critical areas.	1.1 Hydrogeological surveys and research, aquifers' assessment, and identification and assessment of potential water point locations.
		1.2 Infrastructure development and community-level management and use of groundwater.
		1.3 Preparations for groundwater development in focus areas.
2.	Establish a uniform system for groundwater development and management across Somalia	2.1 Develop a groundwater governance system and arrange cooperation between federal and state governments, within governments, and with civil society.
		2.2 Establish and operationalize groundwater offices at Ministry of Water at Federal, Member State Governments, and in Somaliland.
		2.3 Capacity development in groundwater development, management, and monitoring. This is where the main thrust in capacity development and training is located.
		2.4 Groundwater data and information management. As part of the new Somalia National Water Re-Sources Strategy and Roadmap, a Hydromet Centre will be established at MoEWR in Mogadishu.
		2.5 The Merti aquifer, located mainly in Kenya but stretching into Somalia, will be promoted as a case for regional cooperation and development, testing and

		developing ways of working together.
3.	Project Management and M&E and Internalized Knowledge Management and Learning	3.1 Project management and structure. The sub-component includes all the operational costs of the NPCU and PIUs across Somalia.
		3.2 Monitoring and evaluation (M&E), knowledge management, and internal learning.

### Potential labor requirements

1. Under Component 1 and 2 project activities are expected to involve limited civil works in communities for example new supply and rehabilitation of existing water points and distribution systems, and establishing groundwater offices in the FGS, FMS. Labor is therefore expected to be required from contractor workers. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain as well as OHS risks during construction and operational phases, as such OHS requirements will be made part of contracts. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible by and among the workforce. The security of project workers will also be relevant, especially in locations which are insecure or where there is localised conflict between clans or other groups.
2. Given the project may purchase solar panels to pump water, there is a risk of forced labor risk in the procurement of solar panels/components in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components to include measures including forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provisions, and mandatory prior review/no objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application.

### Rationale for the Labor Management Procedures (LMP)

3. This LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s ESF, specifically “Environmental and Social Standard 2 (ESS2): “Labor and Working Conditions” OHS provisions in WBG EHS guideline and some aspects of Environmental and Social Standard 4 (ESS4): “Community Health and Safety.” The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project. Detailed assessment of ESS4 provisions is contained in the Environment and Social Framework (ESMF).

### Application of the LMP

4. The LMP will be administered to the different categories of project workers:
  - (i) direct workers - people employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project;

(these are PIU consultants and civil servants who have a legal transfer of their employment or engagement to the project<sup>1</sup>.

(ii) contracted workers including skilled and unskilled workers contracted by construction companies, supervision consultant, third-party monitor (TPM), MIS consultant, security risk management firm, as well as other contractors;

(iii) primary supply workers – these will be workers engaged by primary suppliers who are suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project. These could include solar panels suppliers, and other regular suppliers that are yet to be identified.

(iv) community workers – these are people employed or engaged in providing community labor. Although there are no plans to engage community workers, requirements are set out in case these are found to be necessary.

5. The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. Labor Code 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 conditions, remuneration, and OHS, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas and is applicable to all project workers. The Labor Code is broadly consistent with the ESS2 but there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 11).

Mitigation measures proposed:

6. The **Project Coordination and Implementation Unit (NPCU)** at MoEWR will be responsible for project management and coordination, compliance with safeguards requirements such as those on labor and working conditions. Their duties include: (i) ensure that the LMP requirements for direct (NPCU) workers are implemented; (ii) ensure that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 and ESS4; (iii) monitor child labor and forced labor requirements for all workers; (iv) develop, raise awareness and monitor signing of codes of conducts (CoC) outlining labour requirements for all direct and contractor workers; (v) ensure functioning and accessible workers grievance mechanisms are in place for all direct and contractor workers; (vi) monitoring and reporting all requirements under this LMP to the World Bank on a quarterly basis (Vi) training and supervision responsibilities at field level for NPCU and PIU on OHS matters.
7. The **Project Implementation Unit (PIU)** at the State level will have the following tasks in relation to labor and working conditions:(i) ensure that the LMP requirements for direct (PIU) workers are implemented; (ii) ensure that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 and ESS4; (iii) engage and manage consultants in accordance with this LMP and the applicable procurement documents; (iv) monitor child labor and forced labor requirements for all workers in relation to primary suppliers; (v) develop, raise awareness and monitor signing of codes of conducts (CoC) outlining labour requirements for all direct and contractor workers; (vi) and ensure functioning and accessible workers grievance mechanisms are in

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<sup>1</sup> Where government civil servants are working in connection with the project, whether full-time or part-time, 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, para 3d)

place for all GM and ensure that direct and contractor workers; (vii) provide induction and regular training to workers on labor and OHS issues; (viii) require contractors and primary suppliers to identify and address risks of child labor, forced labor and serious safety issues; (ix) ensure existence of functional, accessible and trusted GM for PIU and contracted workers, including ensuring that grievances are resolved promptly and confidentially and report the status of grievances and resolutions to the NPCU on a regular basis; (x) ensure that all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and monitor compliance with the Code; and (xi) report to FGS MoEWR on labor and OHS performance of the project on a quarterly basis.

8. The **contractors and primary suppliers** will be required to implement the relevant provisions of this LMP: (i) the expressions of interest (EOIs) for the implementing partners will refer to this document while the NSAs will state their experience and capacity in implementing ESS2 and ESS4 requirements for their workers; (ii) the social and environmental specialists will be recruited prior to project effectiveness with experience of labor management and will review the RFP's for adequate human resource management capacity; (iii) the social and environmental specialists will conduct pre-bid workshops on the E&S requirements including on labor management for the shortlisted implementing partners; (iv) the implementing partners will include a labor management plan with adequate human resources to implement the plan in their bids (RFPs); and (v) the contractors labor management plan will be reviewed by the social and environmental and OHS specialists at the NPCU level including by the Bank for clearance.

#### **Grievance mechanism**

9. Typical workplace grievances include fair and equal opportunity for employment; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. Therefore, a GM will be provided for all Project workers including **direct workers, contracted workers** to raise workplace concerns. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Handling of grievances should be objective, prompt, confidential and responsive to the needs and concerns of the aggrieved workers, enabling them to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address.
10. This workers' GM is not same as the GM to be established for project affected stakeholders. The specific GM for the workers will be at two levels - one at FGS MoEWR level and other at FMS-MoEWR level, and for contracted workers will also have a structure within their organizations. It should be emphasized that the GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without the cost and time of escalating to higher stages.

#### **Grievances related to GBV/SEAH**

11. The GBV risk rating for this project is Substantial. To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV related cases that 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, psychological, and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. All staff and GM 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 was referred to service provision. If a worker on the project is involved, the incident should be reported immediately to the FGS-level GBV advisor and Program Coordinator who will provide further guidance after consulting with the World Bank. The SEAH Prevention and Response Plan, prepared as part of the ESMF, will serve as a reference point for all the stakeholders.

### **Monitoring of the LMP**

12. The NPCU shall establish resources and procedures for managing and monitoring the performance of the project and implementation of the LMP. Monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records, field monitoring of OHS performance and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following: (i) representative samples of employment contracts and signed CoC; (ii) grievances received from the community and workers and their resolution; (iii) reports relating to fatalities and incidents, and implementation of corrective actions; (iv) records relating to incidents of non-compliance and near misses with national Labor Code and the provisions of the LMP; and (v) records of training provided for contracted workers to explain OHS risks and preventive measures.
13. The cost of implementing this LMP is estimated at USD327,750 for the four years. It is, however, notable that this cost could be adjusted from time to time based on project requirements.

### **Project Beneficiaries**

14. Project beneficiaries will be communities in Somalia that face increasingly challenging access to water due to climate change, population growth, and conflicts linked to water scarcity. The project will provide benefits in the form of access to improved water sources for multiple uses (domestic, livestock, agriculture), enable improved livelihood resilience, and provide training and know-how. Project beneficiaries include:
  - i. Rural communities. Lacking enough clean water to maintain healthy living conditions.
  - ii. Livestock owners. Delivering about half of Somalia's food security and a very large share of the country's export value.
  - iii. Women and girl-children. Traditionally being responsible for collecting household water, often from very far distances from the household.
  - iv. Peri-urban/urban populations. Depending on expensive rural groundwater sources trucked in-to congested areas by private operators.

### **The Project Expected Results**

15. The Abaar-Tir project is aligned with the FGS National Development Plan 9, the Rural Resilience Framework, the National Water Resources Strategy, and the World Bank Country Partnership Framework. The project development objective (PDO) is to *increase the sustainable access and management of groundwater in the Horn of Africa's borderlands*. The objective is translated into three components as outlined in the introduction and the outcome indicators are as follows:
  - a) Beneficiaries provided with access to improved water supply (number and percentage of women)
  - b) Water points constructed or rehabilitated under the Program that are functioning (percentage of water points)
  - c) Regional groundwater institutions with increased access to improved information critical for sustainable GW management (number).



16. The project gives emphasis to six priority areas:
  - i. Addressing extreme poverty and vulnerability
  - ii. Regional integration and cooperation
  - iii. Gender equity and community development
  - iv. Sustainable groundwater development
  - v. Climate resilient water resources development
  - vi. Long-Term learning by doing and by training

#### **Labor Management Procedures of the World Bank**

17. This LMP lays out the project's approach to meeting national requirements, as well as the objectives of the World Bank's Environmental and Social Framework (ESF), specifically "Environmental and Social Standard 2 (ESS2): "Labor and Working Conditions", OHS provisions included in the WBG EHS guidelines and Environmental and Social Standard 4 (ESS4): "Community Health and Safety." The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project.
18. The LMP is to be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other ESS in general, and ESS4. ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote 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. The main objectives of developing LMPs are to:
  - i. Promote safety and health at work.
  - ii. Promote the fair treatment, non-discrimination, and equal opportunity of project workers.
  - iii. Protect project workers, including vulnerable workers such as women, persons with disabilities, and migrant workers, contracted workers, and primary supply workers, as appropriate.
  - iv. Prevent the use of all forms of forced labor and child labor.
  - v. Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.
  - vi. Provide project workers with accessible means to raise workplace concerns; and
  - vii. Address the way in which the NPCU will require contractors/subcontractors and primary suppliers to manage their workers in line with ESS2.
19. The LMP sets out the terms and conditions of employment for employing or engaging workers on the project. It also specifies the requirements and standards to be met and policies and procedures to be followed, processes for assessing risks and implementation of compliance measures. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and ensure non-discrimination, equal opportunity, protection, fair treatment, and safe and healthy working conditions. The LMP is a living document to facilitate project planning, preparation, and implementation. It is anticipated that the LMP will be updated as additional information becomes available during project implementation, including in relation to workforce numbers and requirements, timing of project activities, and associated due diligence and social risk management.

20. The ESMF provides guidance on OHS requirements to be further detailed in the specific plans. It is, however, notable that the project will be subject to a range of labor risks, including OHS risks, safety and security risks and the potential use of child labor. Local contracting arrangements may also mean that project workers do not have contracts or are subject to unfair conditions (lack of breaks, irregular pay, and so on). Female workers may be discriminated against in terms of employment but are also at higher risk of SEAH, and other forms of GBV. Covid-19 may continue to play a role in influencing project implementation, notably around stakeholder engagement and face-to-face gatherings. Virtual options for meetings will be limited due to poor connectivity and a lack of familiarity with such forums. The extent of any labor influx is low, however, the presence of even relatively small numbers of external workers can result in social tensions, increased risk of transmission of diseases and the risk of sexual exploitation and abuse, sexual harassment, and other forms of gender-based violence (GBV).
21. **Forced labor risk in the procurement of Solar Panels/components:** There is a significant risk of forced labor in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the Bank requires Borrowers to strengthen procurement documents that include solar panels/components for the “core functions of a project” as defined in the World Bank Environmental and Social Framework. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The new requirements apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application.
22. There are also risks associated with labor and working conditions including workplace sexual harassment, child and forced labor, lack of contractor compliance with national labor laws and ESS2, and discrimination against women, minorities, and persons with disabilities in recruitment and employment are all potential risks during project implementation which will need to be further assessed and addressed, as well as security risks impact on workers and communities.
23. Stakeholder consultations took place on the ESMF, SEAH prevention and response plan and other E&S document on the 4th December 2021 involving 5 women and 22 men from relevant government, non- governmental and other organisations. E&S risks and mitigation measures were discussed and suggestions from stakeholder documented in Annex 1. Additional consultations specifically on this LMP were carried out with other World Bank projects including RCRF which is working closely with the civil service commission, MoLSA and other World Bank funded projects on labour management issues. The social/GBV specialist on that project reviewed the LMP and shared a range of experiences on workers’ GMs and code of conducts that have been considered.

## 2. OVERVIEW OF LABOR USE ON THE PROJECT

### **Labor requirements**

24. The Project will include the use of: (i) direct workers including PIU staff and technical advisors etc. The workers will be involved in implementation phase of subprojects including planning activities, supervision, and monitoring, etc., many of whom will be existing government workers; (ii) contracted workers mainly associated with the construction activities under component one; and (iii) primary supply workers who will be employed by companies that provide goods and services needed for the project. Community workers are not envisioned but are mentioned in case they are used.
25. Government civil servants working in connection with the project will remain subject to the terms and conditions of their existing public sector employment agreement or arrangements. ESS2 and WBG EHS Guidelines will apply to them in respect provision for protecting the work force and occupational health and safety (OHS).
26. Significant labor influx is not expected because of the project, as small to medium water infrastructures will be constructed by local companies, using local labour especially for unskilled work. Under Component 1 and 2 project activities are expected to involve limited civil works in communities as part of the community driven development approach. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain as well as OHS risks during construction and operational phases as such OHS requirements will be made part of contracts including requirements for Contractors to develop own OHS plans based on LMP and ESMF.. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible in the workforce. The security of project workers will also be relevant, especially in locations which are insecure or where there is localized conflict due between clans or other groups.
27. Given the project may purchase solar panels to pump water, there is a risk of forced labor risk in the procurement of Solar Panels/components in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/no-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application. Agricultural labor is often from outside the area and poses the same risks, this expansion of agricultural activities will need to be monitored in terms of labor influx.
28. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/no-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application.
29. Project workers will be subject to the relevant requirements of national law and ESS2 via this LMP including clear information on the terms and conditions of employment, principles regarding non-

discrimination and equal opportunity, rules regarding child labor and forced labor, and OHS measures.

30. The LMP will be administered to the different categories of project workers as summarized in Table 3.<sup>2</sup>

**Table 3: Approximate anticipated Labour Use**

<b>Level</b>	<b>Approx. no of workers</b>	<b>Approx. no of women (30%)</b>	<b>Key functions and responsibilities</b>	<b>Timing of labor requirements</b>
Direct workers (consultants)	13	4	-NPCIU and PIU consultants	From initiation of the project
Civil servants (seconded)	37	12	-Serve on the NPCIU and PIUs -Render specialized functions for the project -Develop and implement key instruments -Build the capacity of staff and other implementers -Set up systems -Conduct monitoring and evaluation	From initiation of the project
Contractor workers:	TPM: 15  Supervision consultant: 11  CIP consultant: 50  SRMC: 5  Grievance call centre: 2 workers  Capacity building consultancy firm: 5	TBD	Monitoring  Site selection, Construction Investment Reports, Monitoring construction  Community engagement  Security risk assessments and management plan and security systems support  Manage Abaar-Tir complaints call centre as part of citizen engagement platform	When needed
Primary suppliers– these are regular suppliers throughout the project	Yet to be defined		Yet to be defined	

<sup>2</sup>ESS2 applies to project workers including full- time, part-time, temporary, seasonal, and migrant workers.

**Labor Requirements and women participation**

31. The direct workers of the project will generally be required to work full time and around the year for the project duration. Consultants and contract workers will be engaged based on the need. Primary supply workers will be engaged in project activities as per the requirements of the project team and contractors.
32. Drawing on lessons from other similar projects investments in Somalia, the project will reserve 30 % of leadership positions for women in agencies governing groundwater management. In addition, women's share of leadership positions in community groundwater organizations will be 30%.

### 3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

33. Potential risks are those related to labor and working conditions, such as work-related discrimination, forced labor, child labor, labor influx, GBV/SEAH, OHS, and security risks. The NPCU will assess and address these risks by developing recruitment guidelines and procedures while putting in place appropriate OHS measures applying relevant provisions of the Somalia Labor Code (1972), the Civil Service Law and World Bank OHS requirements for the proposed project. Appropriate mitigation measures to address the potential risks will be incorporated into procurement documents.
34. The following are the potential labor-related risks are expected throughout the implementation period of the project. Consultations on all the E&S instruments were held on the E&S instruments for the Somalia Groundwater for Resilience Project on 4th December 2021 as outlined in Annex 1. Around 30 representatives of NGOs working in the water sector and government agencies attended and requested clarity on various issues including Code of conducts for workers. Additional consultations specifically on the LMP were carried out with other World Bank projects including RCRF which is working closely with the civil service commission, MoLSA and other World Bank funded projects on labour management issues and comments were included..
35. **Non-compliance of Somali Labor Laws:** Fair recruitment of workers may be flawed due to the culture of nepotism and elite capture, and fair recruitment may not be practiced during the implementation of the project. There may also be bias against individuals and groups of people including minority groups and clans, persons living with disabilities (PLWDs) and women. Also, implementation of labor laws particularly around prompt payment, overtime, maternity leave, and nursing breaks may not be observed.
36. **Discrimination and exclusion:** According to the stakeholder consultations, some professionals, and consultants (including those from disadvantaged and vulnerable groups) may be deliberately excluded from employment opportunities under the project due to clannism and nepotism unless the project incorporates specific mitigation measures. People in senior positions at the Ministries may set higher employment qualifications which may marginalize disadvantaged and vulnerable groups including women, persons from ethnic minority groups, IDPs, female headed households, and PLWDs. Sexual harassment and other forms of abusive behavior by workers could compromise the safety and wellbeing of workers and persons from disadvantaged groups thus affecting project performance. On the other hand, water facilities may not be configured to allow access to project workers who use wheelchairs and other assistive devices for movement.
37. **Labor disputes over terms and conditions of employment:** Like any other project, labor-related disputes are possible in the Abaar-Tir project. According to the stakeholder interviews, labor-related disputes may emerge between project professionals (and consultants) and the Ministries involved in the project (or contracted agencies) over wages, working hours, payment delays, health and safety concerns in the work environment and working conditions. In turn, there is also a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised. Such situations could degenerate into labor unrest and resultant disruptions in service provision and damage to project property. Awareness raising for the PIU and contractors on the importance of functionality of workers complaints mechanisms and the need for confidential complaints channels and non-

retaliation and whistle blower protection will be included in Code of Conducts. Periodic audits may be carried out and strong sanctions if retaliation occurs.

38. **Labor influx:** Labor influx will be low, given small to medium water infrastructure will be constructed by local companies and external skilled labour likely reside within the community or in workers accommodation. Labor influx could lead to conflict over social resources, spread of infectious diseases (including COVID-19 and HIV/AIDS), cultural/behavior changes and GBV/SEAH. 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 SEAH.
39. **Child labor and forced labor:** Somalia is within top 10 countries of the world with highest child labor risks. Close to 40% of all children under 15 of age are put to work in Somalia, where they engage in the worst forms of child labor, according to the UNHCR.<sup>3</sup> Child and forced labor risks are possible as the project will recruit unskilled labor and children may be used to do unpaid menial jobs in construction and rehabilitation works. However, measure to prevent this are outlined above.
40. **Risk of Insecurity:** There are widespread security risks in Somalia to varying degrees for communities, contractors, and project staff. Implementation will not be possible in al-Shabaab-controlled areas and security issues need to be carefully assessed and managed elsewhere. The use of security forces either during travel or at protect sites be carried out in line with the World Bank's Good Practice Note on Assessing and Managing the Risks and Impacts of the Use of Security Personnel. A project level security risk assessment and management plan will be prepared before effectiveness, identifying what areas are possible to work in. Following this site-specific security risk assessments and management plans will be prepared with OHS provisions for security personnel including specific measures for project workers and contractors and will be referred to in the contractor's contracts and will be implemented with capacity building support and close follow up. A robust and continuous contextual analysis will be done to ensure safety of both the beneficiaries and project staff, both direct and indirect.
41. **Gender Based Violence/Sexual Exploitation, Abuse and Harassment (GBV/SEAH):** Female workers may be subject to GBV/SEAH in the recruitment or retention process given men dominate the hiring process in most if not all government offices and local companies. Given the weak capacity of the government to enforce rules against discriminatory practices in the workplace, the potential is acute for women. Potential abuse of power and sexual exploitation in labour practices, especially during recruitment, can distort power relations and lead to opportunities for abuse. Project and construction workers visiting and staying in the community present risks, especially as water points are frequented by women and girls. Travelling long distances to reach infrastructure work sites or collect water or attend meetings can increase targeting, exploitation, and harm from non-partner individuals, including armed groups/forces/individuals and other individuals associated with the project.

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<sup>3</sup> <https://www.businessinsider.com/countries-worst-child-labor-risks-2012-1?IR=T>

#### 4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

42. The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. The Labor Code of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers employment contracts, terms and conditions, remuneration, and occupational health and safety, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas and is applicable to all project workers. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 11).
43. The Federal Ministry of Labor and Social Affairs (MoLSA) is responsible for labor policy and regulatory frameworks. The Labor Ministry in each State oversees implementation of the labor code, including the labor inspection. While five States have labor ministries, only Puntland has three labor inspectors under the Minister. Others have no functioning labor inspection.
44. Below is the list of relevant provisions of the Labor Code about terms and conditions of work, to wages, deductions, and benefits:
- a. Content of individual contract of employment (Article 46)
    - 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; (g) procedure for suspension or termination of contract.
  - b. Notice for termination of contract (Article 50)
    - Either of the contracting parties may terminate a contract of employment by giving written notice as follows:
      - (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:
      - (c) No notice need be given in case the duration of contract does not exceed one month.
  - c. Minimum wages (Article 72)
    - 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 Labor Commission, and with the approval of the Council of Secretaries.
  - d. Hours of work (Article 85, 86)
    - The normal hours of work of a worker shall not exceed eight a day or 48 a week.
    - Hours worked more than 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.
  - e. Weekly rest (Article 96)



- 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.
- f. Annual leave (Article 97)
- Workers shall be entitled to 30 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.
- g. Fringe benefits (Article 73)
- 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.
- h. Deductions from remuneration (Article 82)
- 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.
- i. Death benefit (Article 53)
- 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.
- j. Expecting and nursing mothers (Article 91)
- 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 full pay, of which at least six weeks shall be taken after her confinement, if she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
- k. Nursing breaks (Article 92)
- a. 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.

45. Somalia has been a member of the International Labor Organization (ILO) since 1960. The country has ratified 6 out of 8 fundamental conventions of the International Labor Organization (ILO), including the following:

- *Forced Labor Convention* (No.29) (ratified in 1960).
- *Freedom of Association and Protection of the Right of Organize Convention* (No. 87) (ratified in 2014).
- *Right to Organize and Collective Bargaining Convention* (No.98) (ratified in 2014).
- *Abolition of Forced Labor Conventions* (No. 105) (ratified in 2014).
- *Discrimination (Employment and Occupation) Convention* (No. 111) (ratified in 1961); and
- *Worst Forms of Child Labor Convention* (No. 182) (ratified in 2014).

46. The following were ratified in April 2021:

- *Violence and Harassment Convention, 2019* (No. 190).

- International Labor Standards Convention, 1976 (No. 144).
- the Occupational Safety and Health Convention, 1981 (No. 155).
- the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- the Migration for Employment (Revised) Convention, 1949 (No. 97).
- the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
- and the Private Employment Agencies Convention, 1997 (No. 181).

## 5. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

47. The Labor Code 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 Labor Code about OHS:

### 48. 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:

- Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health.
- Take suitable measures to prevent contamination of workplaces from toxic gases, vapors, dust, fumes, mists, and other emanations.
- Provide sufficient and suitable toilet and washing facilities, separate for men and women workers.
- Provide an adequate supply of drinking water easily accessible to all workers.
- Maintain fire-fighting appliances and staff trained in their use.
- Provide the necessary safety appliance adapted machinery and plant.
- Maintain machinery, electrical and mechanical plant, instruments, and tools in good condition to ensure safety.
- Provide suitable installations for the removal of refuse and drainage of residual waters.
- Take the necessary precautions in the establishment to protect the life, health, and morality of the workers.
- Ensure that staff receive the necessary instructions for the prevention of industrial accident, occupational diseases, and other risks inherent in their occupations.
- Post in conspicuous parts of the workplace's notices clearly explaining the obligations of the workers to observe safety rules, and visual signs indicating dangerous places.
- Supply the workers with the apparatus and instruments to guard against the risks inherent in the workplace and the work they do; and
- Take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

### 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. The ESIRT requirements will also inform this process.

### Medical facilities (Article 103)

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

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.

49. The Revised Draft Somalia Labor Code has more emphasis on OHS 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 Labor 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 Labor Code covers the administration of occupational accidents, injury and disease provisions at workplace, employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses, and penalties etc.

50. In the absence of a fully adopted revised Somalia Labor Code and functioning implementation mechanisms (oversight bodies and courts), the ability of the government to adequately adjudicate the provisions in the LMP is constrained. The Civil Service Commission can address the complaints of civil service workers that are limited to unfair dismissals and MOLSA has a role for non-civil servants.

## 6. BRIEF OVERVIEW OF LABOR LEGISLATION: DISCRIMINATION AND ABUSE

### Somalia provisions

51. Somalia's Provisional Constitution provides that "all workers, particularly women, have a special right of protection from sexual abuse, segregation, and discrimination in the workplace. Every Labor law and practice shall comply with gender equality in the workplace" (Article 24-5). The following are the relevant provisions in the Labor Code:

52. Expecting and nursing mothers (Article 91)

No woman worker shall be discharged during a period of pregnancy, as duly confirmed by a medical certificate, until the end of the period of leave mentioned in the next succeeding paragraph or until the child is 1-year-old, provided that this rule shall not apply to the following cases:

- The cessation of the activity of the undertaking in which the woman worker is employed; and
- The completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.

53. Below is a list of provisions of Labor Code about child labor and forced labor:

a. Prohibited work (Article 90)

- The term "children" means persons of either sex who have not attained the age of 15 years and the term "young persons" means those who have attained the age of 15 years but have not attained the aged of 18 years.
- Where the age is uncertain, medical opinion shall be obtained.

b. Unlawful to employ children (Article 93)

- It shall be unlawful to employ children under the age of 15 years, provided that this restriction as to age shall not apply to:
  - (a) Pupils attending public and state-supervised trade schools or non-profit-making training workshops.
  - (b) Members of the employer's family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.

c. Minimum age for certain types of work (Article 94)

- The minimum age for employment on a vessel as a trimmer or stoker or on underground work in quarries or mines shall be 18 years, provided that the minimum age for any other employment on a vessel (including a fishing vessel) shall be 15 years.
- Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance, or repair of buildings.

d. Freedom of Labor (Article 6)

- Forced or compulsory labor is forbidden in any form.

### **World Bank provisions**

54. **Guidelines on OHS requirements:** Measures relating to OHS will be applied to the project. The OHS measures will include the requirements of this LMP and will consider the General Environmental Health and Safety Guidelines (EHSGs), General EHS Guideline, and other Good International Industry Practice (GIIP). The OHS requirement applicable to the project are set out in ESMF and Annex 4
  
55. **Guidelines on non-discrimination and equal opportunity:** Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination on the basis of personal characteristics unrelated to inherent job requirements, with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. This LMP sets out measures to prevent and address harassment, intimidation, and/or exploitation. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.
  
56. **Guidelines on gender and GBV:** The project team will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children (of working age in accordance with this ESS. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker(s) and the nature of the vulnerability.
  
57. **Guidelines on the child labor:** The project shall only employ people aged 18 years and above as a precautionary measure.

**Table 1: Gap analysis between Somali Legislation and World Bank Standards**

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
<p>The Objectives of ESS 2 are:</p> <p>a. To promote safety and health at work.</p> <p>b. To promote the fair treatment, non-discrimination, and equal opportunity of project workers.</p> <p>c. To 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.</p> <p>d. To prevent the use of all forms of forced labor and child labor.</p> <p>e. To support the principles of freedom of</p>	<p>Provisional Constitution of the Federal Republic of Somalia. Article 14 stipulates that a person may not be subjected to slavery, servitude, trafficking, or forced labor for any purpose.</p>	<p>The new labor code, amending the code from 1972, has not been passed yet The implementation of the existing articles in practice may not be very strong</p> <p>A decree in Somaliland and legislation in Puntland prohibiting FGM have been drafted.</p>	<p>a. The Project will not allow any forced labor, which will be monitored through the review of written contracts and agreement with workers. The NPCU/PIU will have overall responsibility to monitor the implementation of the LMP</p>
	<p>Article 24.5 stipulates that all workers, particularly women, have a special right of protection from sexual abuse, segregation, and discrimination in the workplace. Every labor law and practice shall comply with gender equality in the workplace.</p> <p>The Puntland Sexual Offences Act 2016 prohibits sexual harassment. Human trafficking: A person may not be subjected to slavery, servitude, trafficking or forced Labor offences. Every Labor law shall comply with gender equality. Dismissal for pregnancy. All women have a special right of protection from discrimination.</p>		<p>The LMP spells out a workers' grievance redress mechanism; and the SEAH prevention and response Plan provides referral pathways for cases of GBV (see annexes)</p>
	<p>The Labor Code of 1972 stipulates that all contracts of employment must include a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and c)</p>		<p>The labour inspectorates not staffed for this function Most FMS have no labour inspectors and are significantly under-resourced and capacitated. Where they exist they prioritise most serious concerns.</p>

<p>association and collective bargaining of project workers in a manner consistent with national law.</p> <p>f. To provide project workers with accessible means to raise workplace concerns.</p>	<p>the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent labor inspector for pre-approval.</p>		<p>Section XIII.</p>
	<p>The Labor Code of 1972. The employer is obligated to provide adequate measures for health &amp; safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed, and managed workplaces that provide sanitary facilities, water and other basic tools and appliances.</p>	N/A	<p>The Project will apply occupational health and safety management measures that are consistent with the WBG General Environmental Health and Safety Guidelines (EHSGs) on OHS</p>
	<p>The Labor Code of 1972. Workers have the right to submit complaints and the employer must give the complaints due consideration.</p>	N/A	<p>A workers' grievance mechanism will be available for all direct and contracted workers to redress facilitate workplace concerns. See Section XIII. Its accessibility and functionality will be monitored by the PIU.</p>
	<p>The Labor Code of 1972. Remuneration must be adequate in view of the quality and quantity of the work delivered and must be non-discriminatory regarding age, gender and other aspects.</p> <p>Maximum number of working hours per week are 8 hours per day and 6 days per week.</p>	<p>Women are restricted from being employed in night work, and the specific types of work prohibited for women may be prescribed by decree. No provisions on the protection of the rights of domestic workers.</p>	<p>The Project will fully comply with the national law and WB ESS 2. Any complaints that emerged through the workers' grievance mechanism will be addressed.</p>
	<p>The Labor Code of 1972. Some work is considered dangerous and unhealthy and forbidden for women and youth (defined as 15-18 years of age). This includes the carrying of heavy weights or work at night.</p>	N/A	<p>The Project will only allow employment from the age of 18 years. Disabled workers and expectant and nursing mothers will not be engaged in hazardous activities.</p>
	<p>The Labor Code of 1972. The Labor Code forbids work for children below the age of 12 but allows employment of children between the age of 12-15, yet employment</p>	<p>Children are deployed in worst forms of child labor (forced recruitment by army, forced labor in domestic work, agriculture and herding, breaking rocks for gravel,</p>	<p>The Project will only allow deployment – in all project worker categories – from the age of 18 years. During the hiring process, scrutiny will</p>



	<p>must be compatible with proper protection, health and the moral of children.</p>	<p>construction work, commercial sexual work)</p> <p>However, Somalia made efforts to construct a rehabilitation center for former child combatants and establish a Human Trafficking and Smuggling Task Force.</p> <p>Children are further deployed in agriculture (farming, herding livestock, fishing); industry (construction, mining, and quarrying); services (street work, working as maids in hotels, domestic work, voluntary recruitment of children by army); children also perform dangerous tasks in street work.</p> <p>Laws do not identify hazardous occupations or activities prohibited for children.</p> <p>Government does not employ labor inspectors and conducts no inspections.</p>	<p>be employed in the review of documentation that established one's age.</p>
	<p>The Labor Code of 1972. The Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions.</p>	<p>N/A</p>	<p>The project will follow national laws and ESS2 which requires that the project to support the principles of freedom of association and collective bargaining of workers in a manner consistent with national law.</p>

## 7. ROLES AND RESPONSIBILITIES OF PROJECT STAFF

### Management

58. A federal inter-ministerial project steering committee (PSC) will be established for the purposes of the project and will consist of representatives from the following federal ministries: (a) Ministry of Energy and Water Resources (MoEWR); (b) Ministry of Finance (MoF); and (c) Federal Member State Water Ministries. The membership of the steering committee will consist of three representatives from the MoEWR, one representative from MoF, and two representatives from each of the FMS Water Ministries. The PSC will be chaired by the MoEWR. The steering committee will meet quarterly to review project progress, resolve cross-sectoral and cross-ministerial project implementation issues, and identify policy and regulatory issues. Minutes of the PSC meetings will be provided by the National Project Coordinator.
59. The FGS PCU will oversee and coordinate the implementation of the project and will guide and train the FMS, as well as provide templates for reporting. It will employ:
- 1 full time national environmental specialist – who will lead on the environmental aspects of the ESMF and LMP and contractors ESMP or ESIA. He or she should have OHS expertise
  - 1 full time national Social/CDD specialist – who will lead on the implementation of the Stakeholder engagement plan, and resettlement planning framework, the community aspects of the labour management procedures and social risk management within the ESMF. community engagement process as well as the MOU with the community, water sharing agreements and the summary social report and project GM.
  - 1 full time GBV/gender specialist – who will oversee the implementation of the SEAH prevention and response plan, including awareness raising of community and workers, code of conducts and SEAH complaints.
  - 1 security specialist – who will oversee the security management system and review all site-specific security risk assessments and management plans. OHS expertise recommended
60. The project coordinators will coordinate the implementation of day-to-day administration of the project activities. The NPCU will conduct quarterly review and annual review with all stakeholders including the WB and other implementing Partners.
61. The NPCU will have the following tasks in relation to labor and working conditions:
- i. Promote and ensure the overall implementation of this LMP, including training and orientation of the staff at the Ministries of Planning (responsible for Component 4), and ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 in relation to the management of their workers.
  - ii. Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents.
  - iii. Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
  - iv. Develop the tools necessary for the implementation of this LMP including the CoC for contractors and for workers.
  - v. Sensitize contractors and project workers on the provisions in the LMP including the CoCs.

- vi. Ensure that the GM for project workers is established and implemented and that workers are informed about it.
- vii. Ensure that grievances received from the workers are resolved promptly and reporting the status of grievances and resolutions.
- viii. Promote the LMP implementation and ensure monitoring of labor and OHS performance; and
- ix. Report to the World Bank on the implementation of the LMP every 6 months.

62. **Project Implementation Unit (PIU) at State level.** The PIU will have the following tasks in relation to labor and working conditions:

- i. Support the contractors in the development of Labor Management Plans.
- ii. Guide and monitor the contractors on the implementation of the Plans.
- iii. Supervise the workers' adherence to the LMP.
- iv. Ensure that records of recruitment and employment of contracted workers (including subcontractors) are properly maintained.
- v. Provide induction and regular training to workers on social and OHS issues.
- vi. Require contractors and primary suppliers to identify and address risks of child labor, forced labor and serious safety issues in line with paragraph 78 below.
- vii. Ensure implementation of the GM for direct and contracted workers, including ensuring that grievances received from the workers are resolved promptly, and reporting the status of grievances and resolutions to the NPCU on a regular basis.
- viii. Ensure that all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the Code; and
- ix. Report to FGS \MEOWRs on labor and OHS performance of the project quarterly.

**Table 2: Summary of the project staff/entity responsible for various key responsibility areas**

Responsibility area	Direct workers/Contracted workers	Primary supply workers
Human resources	Hiring the staff to serve in the NPCU	N/A (outside the scope of ESS2)
OHS	Direct workers will follow OHS measures as contained in the ESMF and LMP	The PIU 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 labor and forced labor	
Training on CoC and other provisions	NPCU/PIU/ consultants	n/a (outside the scope of ESS2)
CoC -For contractors -For workers (including contracted project workers)	The contract for direct workers will address relevant risks	
Grievance mechanism	NPCU/PIUs/ consultants	
Monitoring and reporting	NPCU/PIUs/ consultants to monitor and report World Bank	Relevant PIU staff to monitor and report to PIU Coordinator PIU to report to World Bank.

NB. OHS requirements will apply to all types of workers including direct workers, contracted workers, primary supply workers and community workers.

63. The Project Coordinator at FGS level and Operational managers at FMS level will be responsible for overseeing all OHS aspects of the project including: the identification and mitigation of hazards and risks; regulation and supervision of all workplaces; and monitoring or enforcing compliance with the Labor Code and any other Labor Law to the extent that they regulate safety, health, and welfare in the workplaces.

64. The project has set aside funds to ensure that the planned LMP activities are implemented and monitored effectively. The summary budget is presented in Table 6.

**Table 6: Budget for implementing the LMP**

LMP Activities	Units	No. Units	Unit Cost, USD	Total cost, USD
Support the development of Labor Management Plans for all project offices and contractors	No of contractors	15	1,000	15,000
Travel expenses of staff on LMP activities (supervision missions by the safeguards officers and NPCU and PIU leadership) (bi-monthly)	Quarters	20	2,000	40,000
Training (contract management, CoC, GRM, GBV, etc.) for NPCU, PIUs, contractors and primary suppliers (1 <sup>st</sup> year of implementation)	Months	12	Bulk	60,000
Cost of managing the workers GM	Months	60	1,000	60,000
Costs for implementation of OHS measures	Months	60	1,000	60,000

Monitoring and evaluation	Annually	5	10,000	50,000
Sub-total				285,000
Contingency (5%)				42750
Total				327,750

## 8. POLICIES AND PROCEDURES

65. **Occupational health and safety:** Pursuant to the relevant provisions of the national Labor Code (Articles 101-104), ESS2, including WBG Environmental, Health and Safety Guidelines (EHSGs) WBG General EHS Guideline, and WB standard procurement documents, the MoEWRs will manage the project in such a way that the workers and the target communities are properly protected against possible OHS risks related to construction and operation phases including risks related to excavation work, mobile plant and vehicles, musculoskeletal health and load handling, use of work equipment, electricity, risk of fire, use of chemicals, physical hazards, etc.) . The guidance and examples and reasonable precautions to implement in managing principal risks to occupational health and safety in the general OHS guidance<sup>4</sup> to be followed. In addition, OHS measures are provided in ESMF will also apply. For labor management, the key elements of OHS measures will include: (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities. In addition, there will be developed safety and security protocols and prevention of risk of exposure to infectious diseases including Covid-19. The project will ensure compliance with national law requirements as well as World Bank guidelines regarding Covid-19. Specific OHS terms and conditions will be established in all relevant project bids and contracts (including service, works, construction, consultancies, etc.).
66. **Procedure and steps for risk assessment:** (i) identify the hazards; (ii) identify the people who might be harmed and how; (iii) Evaluate the risk and decide on precautions; (iv) Record the significant findings and implement them; and (v) Review and update as necessary.
67. **Child labor:** The minimum age for workers employed/engaged in relation to the project is set at 18 years. To prevent engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. All ministries where staff will be fully or partially paid through the project are required to maintain labor registry of all contracted workers with age verification.
68. **Labor disputes over terms and conditions of employment:** The project will have GMs for direct workers. Contractors will be required to have a GM for contracted workers, to promptly address their workplace grievances. Further, the project will respect the project workers' right of labor unions and freedom of association.
69. **Discrimination and exclusion of vulnerable groups:** The employment of project workers under the project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination based on personal characteristics unrelated to inherent job requirements with respect to any aspects of the employment relationship, such as relating to recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. Awareness raising of government selection committees, PIUs and contractors will be carried on this issue, review of short lists and final selection reports as well as community consultations, audits will also be considered. For contractors this will also be included in their ESMPs. For direct workers, shortlists will also be provided for no objection by the Bank. The project shall comply with the

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<sup>4</sup> <https://www.ifc.org/wps/wcm/connect/1d19c1ab-3ef8-42d4-bd6b-cb79648af3fe/2%2BOccupational%2BHealth%2Band%2BSafety.pdf?MOD=AJPERES&CVID=nPtgxyx>

national Labor Code on gender equality in the workplace, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate for men and women workers. In some cases, affirmative action measures will be used to recruit more female workers.

70. **Security risks:** Considering substantial security risks in some parts of the country, the project will develop a robust security risk assessment and a project wide security management plan (SecMP). There will be full time, well-experienced security advisor in the NPCU at FGS level, who will work with the contracted certified security management firm as follows:
- i. Site specific Security Risk Assessments (SecRAs) and Management Plans (SecMP) will be developed and cleared by the World Bank before sites are confirmed and relevant clauses included in the contractors ESMPs, before contracts are signed.
  - ii. The NPCU security advisor and the certified security risk management firm should be contracted as before the project becomes effective.
  - iii. The NPCU security advisor and the certified security risk management firm will review the E&S due diligence reports for contractors for adequate security management capacity.
  - iv. The security management firm will provide ongoing updates of the security risk assessments and capacity building support.
71. **GBV/SEAH incidents:** Given the context of fragility, conflict and violence in Somalia, sexual exploitation, and abuse/harassment (SEAH) of co-workers and survey respondents is a substantial risk. Thus, all project workers and government civil servants working on the project will be required to sign a CoC outlining expected standards of behavior and the consequences of violations in this regard and attend regular awareness sessions on the same. In addition, staff and GM focal points will receive guidance on handling complaints of GBV/SEAH including ensuring utmost confidentiality, following the wishes of the survivor in raising the complaint and referring the survivor to supportive GBV services.
72. All staff and GM focal points will 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 was referred for services from a recommended service provider. They should not under any circumstances try to investigate or refer the issue without explicit agreement of the survivor. If the complainant thinks a worker on the project is involved in the incident or is unsure, the GM focal point should report the incident immediately to the Head of the NPCU who will provide further guidance after consulting with the World Bank. **A detailed SEAH prevention and response Plan has been prepared for this project as part of the ESMF.**
73. **Monitoring and reporting:** The NPCU shall report to the Bank on the status of implementation of the above policies and procedures on a quarterly basis. The NPCU will closely monitor labor and OHS performance of the project and report to the World Bank on a quarterly basis.
74. **Fatality and serious incidents:** In the event of an occupational fatality or serious injury, the NPCU shall report to the Bank as soon as it becomes aware of such incidents<sup>5</sup> but at most within 48 hours of learning of the incidence and inform the government authorities (where available) in accordance with national reporting requirements (Labor Code Article 102). Corrective actions shall be

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<sup>5</sup>This clause should be included in all relevant bids and contracts.

implemented in response to project-related incidents or accidents. The NPCU or, where relevant, a consultant may conduct a root cause analysis for designing and implementing further corrective actions.



## Age of employment

75. **Minimum age:** As presented above, the FGS Labor Code (Article 94) provides that the minimum age for employment on underground work in quarries or mines shall be 18 years. While the national Labor Code allows persons under 18 and over 15 years to engage with work with non-hazardous nature, it is appropriate for the project to take a precautionary approach, considering the limited capacity for monitoring and risk management in the fragile operational environment and inadequate national labor inspection mechanism. The minimum age for workers employed/engaged in relation to the project is set at 18 years. No one under 18 years of age will be employed/engaged in project activities.
76. **The process of age verification:** Verification of age shall be undertaken prior to the engagement of labor and be documented. Below is a list of indicative age verification means that could be used in Somalia context where official ID system is broadly unavailable:
- a. Check the birthday on official documents such as birth certificate, national ID, or other credible records, where available.
  - b. Obtain written confirmation from a medical practitioner, parents, or guardian; or
  - c. Inquire with a local community leader, community action group or with other credible community sources.
77. The PCU will undertake monitoring, at a minimum every six months, of all project workers, to ensure that all contractors, subcontractors, and primary suppliers engaged in project activities are not employing/engaging anyone under 18 years of age for work in relation to the project. This will include on-site monitoring and periodic audits.
78. If a person under the minimum age of 18 years is discovered working on project activities, the PIU will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.
79. To ensure that the best interests of the child under 18 years are considered, the PCU will undertake, and ensure that all contractors, subcontractors, and primary suppliers also undertake remediation within a reasonable time agreeable to the World Bank. The remediation activities could include, among other options:
- i. enrolling the child in a vocational training/apprenticeship program, but which does not interfere with the child's completion of compulsory school attendance under national law; or
  - ii. employment of a member of the child's family, who is at least 18 years of age, by the primary supplier, contractor, or subcontractor for project-related or other work.

## **Terms and conditions of project workers: direct and contracted workers**

80. **Project workers:** The terms and conditions for direct workers will be governed by the contracts with the NPCU and contracted workers with their employees. Short-term, temporary staff will not have maternity or annual leave, etc. Their terms and conditions will be based on a specific assignment to be completed within a certain period at a pay rate per day. These terms and conditions will be discussed at recruitment and before training commences and a CoC signed. The Labor Code of Somalia presented in Section V (Overview of Labor Legislation) is the guiding legislation on employment terms and conditions for all workers. The Federal Ministry of Labor in Mogadishu has confirmed that it generally follows provisions of the Labor Code for all matters related to labor engagement and management. Below are key components of the terms and conditions that should be applied to project workers under the project.
81. **Provision of written individual contract of employment:** A written individual contract of employment shall be provided to project workers that specify the following: (a) name of worker; (b) address, occupation, age, and sex of worker; (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.
82. **Notice for termination of contract:** Either of the contracting parties may terminate a contract of employment by giving written notice as follows: (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 enumerators who may be found in breach of confidentiality or falsifying information, termination should be forthwith even if contractual period is more than one month.
83. **Minimum wages:** While the mechanism to set the official minimum wage by Presidential decree (Labor Code, Article 72) is not currently functioning, the market rate is available for each job type in different localities. The fair market rate will be identified and applied for project workers.
84. **Hours of Work:** The normal hours of work of a project worker shall not exceed 8 hours a day or 48 hours a week. Hours worked more than the normal hours of work shall not exceed 12 hours a week and shall entitle a worker to a proportionate increase in remuneration.
85. **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.
86. **Annual leave:** Workers shall be entitled to 30 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.
87. **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 pay, of which at

least six weeks shall be taken after her confinement, if she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

88. **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.
89. **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.
90. **Death benefit:** In case of death of a worker during his/her contract of employment, the employer shall pay to his/her heirs an amount not less than 15 days' remuneration as death benefit for funeral services.
91. **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 while at work who can be so conveyed and who cannot be treated on the spot with the means available.
92. **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 agreements will be applied, where relevant.

## 9. GRIEVANCE MECHANISM

93. **General principles:** Typical work-place grievances include fair and equal opportunity for employment; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. Therefore, a grievance mechanism (GM) will be provided for all direct workers, contracted workers and consultants to raise workplace concerns. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers, enabling them to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address.
94. 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. Confidentiality should be safeguarded if requested to ensure safety and freedom of workers that lodged complaints and whistle blower protection is provided for. The PIU will investigate any suspected breach of confidentiality. This GM is not same as the grievance mechanism to be established for project affected stakeholders. The specific GM for the workers will be at two levels - one at FGS-MoWER level and other at FMS-MoWER level. It should be emphasized that this GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages.
95. Direct workers: The project will have a simple but effective grievance system for direct workers to address workplace complaints and other concerns, including matters relating to workplace GBV/SEAH. Each unit engaging direct workers (NPCU at FGS level, PIU at FMS level and consultants) will hold periodic team meetings to discuss any workplace concerns. The project's GM will borrow provisions from ESS2 and any internal policies within the FGS MoWER.
96. The workers at both the FGS and FMS levels should be encouraged in the first instance to raise their grievances with their immediate supervision/hiring unit, the immediate supervisor shall then carefully consider the case and endeavor to settle it. If an aggrieved worker is dissatisfied with the proposed settlement, he/she shall submit a complaint, in writing to his/her Head of Department. The worker may in addition to this, request for personal hearing and may be accompanied by a colleague at such hearing. The Head of Department will then communicate his/her decision to the complainant. If the matter is still not settled to the satisfaction of the employee concerned, he/she shall appeal to the head of Human Resources Department who will then take up the matter with the management. If the matter remains outstanding (after having been attempted to address), the aggrieved worker shall refer it to the Director General (DG) who will then take up the matter with the management.
97. If the workers are not comfortable raising grievances with their supervisors/seniors, they can raise issues anonymously via the project complaints system and if they are not happy with the channel, they can raise with the World Bank Somalia office, which will forward it to the Task Team Leader. If no satisfactory response has been received from the CMU, complaints can be lodged with the World Bank GRS or Inspection Panel.

98. Channels for complaints and grievances put in place should be convenient for workers. To enable this, the project will have several channels for complaints and grievances including email, phone calls, texts, blogs, hotline and letter writing that will also be accessible to all workers. Information on the project GM will be made available to workers at all facilities, MoWER offices (both FGS and FMS levels) and community level (VDCs, for instance) to ensure that all workers have adequate information on how to lodge a complaint and who to direct it to. Anonymity will be assured when handling workers' grievances. Although 'suggestion boxes' exist in many worksites and appear to be a preferred form of reporting complaints, the experience has been that these boxes are hardly opened and the issues resolved. If these have to be used as part of the GM, a structure needs to be put in place for opening, reviewing, responding and providing feedback on the issues raised. Table 7 illustrates the process/timeline for addressing general complaints for this project through the GM system.

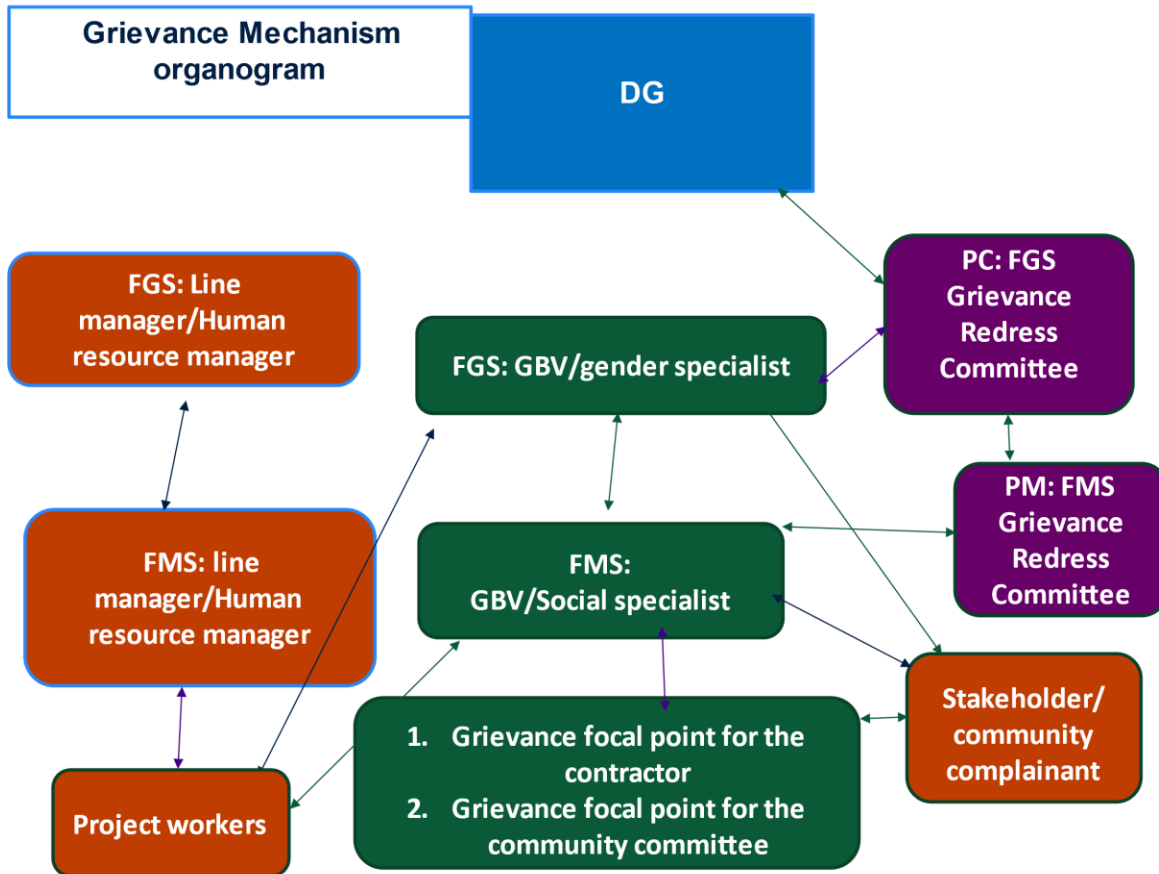
**Table 7: Timelines for managing complaints**

No:	Steps to address the grievance	Indicative timeline*	Responsibility
1	Receive, register and acknowledge complaint in writing.	Within two days	SS specialist at FGS level and at FMS level supported by PIU.
2	Screen and establish the basis of the grievance; Where the complaint cannot be accepted (for example, complaints that are not related to the project), the reason for the rejection should be clearly explained to the complainant and where possible referred to the relevant authorities/stakeholders.	Within one week	SS specialist supported by PIU.
3	Program manager and social safeguards officer to consider ways to address the complaint.	Within one week	Program manager supported by PIU.
4	Implement the case resolution and feedback to the complainant	Within 21 days	Program manager with support from GRC.
5	Document the grievance and actions taken and submit the report to PIU.	Within 21 days	SS specialist and GRC supported by PIU.
6	Elevation of the case to a national judiciary system, if complainant so wishes.	Anytime	The complainant
* If this timeline cannot be met, the complainant will be informed in writing that the GRC requires additional time.			SS specialist, GRC supported by PIU.

99. **Grievances related to GBV/SEAH:** To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV/SEAH 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, psychological and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. All staff and GM focal points should be informed that if a case of GBV/SEAH 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 was referred to service provision. If a worker on the project is involved, the incident should be immediately reported to the FGS-level Program Manager who will provide

further guidance after consulting with the World Bank. This is outlined in the SEAH prevention and response plan.

100. The project grievance mechanism is outlined in the Stakeholder Engagement Plan. The following is an organogram of both the project and worker grievance mechanism:



101. The worker grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through arbitration procedures or mechanisms provided through collective agreements.

102. For civil servants, there are supposed to be workplace committees in all government offices to support workers as well as promotion and disciplinary committees. These should be promoted/strengthened where possible. For non-civil servants, the Ministry of Labour and Social Affairs has a conflict resolution committee for employer and employees that can assist in labour grievance resolution.

## 10. CONTRACTOR MANAGEMENT

103. **Selection of Contractors:** The Abaar-Tir project will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and OHS requirements. The NPCU shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and runs a reliable entity that is able to comply with the relevant requirements under the LMP and established in the World Bank procurement documents. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the NPCU may review the following information:
- i. Business licenses, registrations, permits and approvals;
  - ii. Public records, e.g., corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations;
  - iii. Documents relating to the contractor's labor management system and OHS system (e.g., HR manuals, safety program, specific personal with OHS designated responsibilities and capacity, information on their actual past performance related to OHS (accidents, violations, OHS statistics, etc.); and
  - iv. Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions);
  - v. Contractor's insurance in case of incidents, including third party liability;
  - vi. Contractors ESMPs including OHS requirements, serious incident reporting, workers GM and of paragraphs 80-92.
104. **Contractual Provisions and Non-Compliance Remedies:** The NPCU shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10% of payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works). In the case of subcontracting, the NPCU will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.
105. **Performance Monitoring:** The NPCU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The NPCU will ensure that the contracts with the consultants (and the TPM, where applicable) explicitly set out the monitoring responsibilities for the contractors' performance on labor and working conditions daily. The monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following:
- i. Representative samples of employment contracts and signed CoC.
  - ii. Grievances received from the community and workers and their resolution.
  - iii. Reports relating to fatalities and incidents and implementation of corrective actions.
  - iv. Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and
  - v. Records of training provided for contracted workers to explain OHS risks and preventive measures.

## 11. PRIMARY SUPPLY WORKERS

106. **Selection of primary suppliers:** When sourcing primary suppliers, the project will require identification of child labor/forced labor and OHS risks and mitigation measures. Due diligence will be carried out and explicit provisions will be given in the contracts including reporting of serious incidents, which will be grounds for contract termination if not complied with. Where appropriate, the project will be required to include specific requirements on child labor/forced labor and OHS issues in all purchase orders and contracts with primary suppliers. Safety of workers alongside other labor management procedures should be explicit in all contracts and bidding documents and due diligence of the independent verification agent. Grounds for suspension of contractors will include serious incidents not reported to the NPCU within 48 hours.
107. **Remedial process:** If child labor/forced labor and/or OHS including safety risks are identified, the NPCU and/or the respective consultants will require the primary supplier to take appropriate remedial steps. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, the NPCU 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.



## 12. COMMUNITY WORKERS

### **Community workers**

Community workers are not envisaged for this project. Community workers are people employed or engaged in providing community labor, as part of the community contribution to the project. In case they are found to be necessary to the project, the Borrower will require measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement. All community workers to be engaged under the project will be subject to documented agreements which includes terms on which such labor will be provided. This will include details of what has been agreed, the way in which such agreement was reached, and how the community workers are represented. The agreement will reflect the design of the project and the way in which decisions are reached within the community. While individual agreements with community workers may not need to be in writing, minutes of meetings with the community and community workers to discuss and agree the terms of their engagement with the project will be prepared. The project will prepare minutes of such meetings, and share the minutes with the community, the community workers, and their representatives.

**ANNEX 1: SUMMARY OF E&S ISSUES RAISED DURING STAKEHOLDER CONSULTATIONS AND MITIGATION MEASURES PROPOSED**

Stakeholder consultations took place on the E&S instruments on the 4th December 2021, involving 5 women and 22 men from relevant government, non governmental and other organisations. Additional consultations specifically on this LMP were carried out with other World Bank projects including RCRF which is working closely with the civil service commission, MoLSA and other World Bank funded projects on labour management issues. The social/GBV specialist on that project reviewed the LMP and shared a range of experiences on workers' GMs and code of conducts that have been considered.

**Agenda**

<b>Time</b>	<b>Session</b>	<b>Lead</b>
9-9.15	Opening and introduction to Project	Abdirizack Mohamed Muhumed Director General Ministry of Energy and Water Resource (MoEWR) Suban Nur, Project Coordinator
9.15-11	Social risks and mitigation measures and Stakeholder engagement plan and discussion Inclusion plan and Resettlement Management Framework and discussion SEAH prevention and response	Abdihameed Hassan, Safeguard Specialist
11-11.15	Health break	
11.15-11.45	Environmental risks and mitigation measures	Najeeb Abdullahi Ahmed Environment specialist
11.45-12.30	Discussion and close	Abdirizack Mohamed Muhumed, Director General Ministry of Energy and Water Resource (MoEWR) Suban Nur, Project Coordinator

**Participants**

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### Summary of E&S issues and mitigation measures

	<p>The Ministry of Water and Energy provided a detailed presentation of the Social and Environmental issues in the new GW4R project as well as the proposed mitigation measures outlined in the ESMF, Stakeholder engagement plan and the Resettlement Planning Framework (RPF) to the stakeholders. This was in addition to the overall project overview and strategic focus provided by the DG.</p> <p>Some of the key frameworks, issues, policies and tools discussed in detail include;</p> <ul style="list-style-type: none"> <li>- The overall objectives and rationale of the Environmental and Social Management Framework (ESMF);</li> <li>- An in-depth presentation of the legislative and policy frameworks available and gaps with respect to environmental and social safeguards;</li> <li>- Providing an overview of the World Bank’s Environmental and Social Safeguards for the stakeholders understanding and know-how to relate with the different ESSs;</li> <li>- The potential social and environmental risks of the project were presented in detail to the participants of the Stakeholder meeting. The risk identification, planning for the mitigation measures and communication with the relevant stakeholders were well articulated by the Social specialist. The continuous engagement of the stakeholders of the project was also communicated.</li> <li>- Also, the Grievance Redress Mechanism (GRM) and ways of raising / redressing project grievances were presented. This includes confidential treatment of sensitive matters, including GBV.</li> <li>- The GBV prevention and action plan for the project were presented to respond to the GBV/ SEA/H risks of the project. Including the signing of the Code of Conduct by all the project staff. an overview of land dispute challenges, mitigation messages of managing resettlement and compensation, prevention of any adverse effect of the project and transparent involvement of relevant stakeholders of the programme.</li> </ul>	
	<b>Issues Raised</b>	<b>How will it be addressed in the project</b>
1.	The institution's roles and responsibilities for the project implementation of both FGS and FMS should be more clearly stated	<p>The DG outlined some of the already known project institutional arrangements and needed ongoing discussion with all relevant direct project stakeholders in all the project phases. The Project implementation Unit will have the overall responsibility of the project which will be housed at the Ministry of Water with representation in all the FMSs.</p> <p>More details of the roles of the responsibilities will be expressed explicitly in the project documents for better understanding. And some of the project documents will be shared externally for all to relate to the project.</p>
2.	Clarity about the progress of the project development stage	The project is under preparation; there has been the advanced engagement of the project direct implementing

		entities for the project development to this stage.
3	How will Somalia share/seek data and information with neighbour countries on this project?	A data collection centre will be developed for this regional project. The Ministry of Water will work through established mechanisms like IGAD for engagement and information/data sharing with the neighbouring countries.
4	The rationale for focusing on GW and not utilizing surface water in the country.	The project focus is on the GW to survey, map and tap into the GW resources of the country in addition to the current utilization of other sources of the water. Due to lack of rain and successive drought, inefficient utilization, and ageing surface water infrastructure, the Ministry see GW as a potential alternative.
5	How is the project to implement activities?	The project's goal is to increase capacity building. The federal government will provide the states with authority to carry out their operations, and the federal government and the World Bank will supervise those actions.
6	How will the project overcome Inter-state border issues, including Somaliland?	The project design will be guided by comprehensive consultation of all stakeholders, especially the benefiting communities, to forestall any post-project-implementation disputes and disagreements. On-location and handling of the sensitive border issues, there is an ongoing discussion between the federal government leaders.
7	How will the project manage social risks?	Social and Environmental Risks to be identified, mapped and mitigated to minimize adverse effects on the project or the project stakeholders. Project to have dedicated social and environmental expertise to support the implementation of the relevant social instruments. The project will prioritize capacity building and support to implementation agencies and departments. Stakeholder information sharing and mechanism for expressing views and grievances will be established and communicated to the project stakeholders for effective utilization. There will also be confidential handling of sensitive grievances and complaints like GBV. The project will carefully emphasize social risk mitigation.
8	Has the Ministry of Energy and Water Resources done mapping of GW gaps at the federal state level?	The map is not completed yet.
9	How will this project help the community?	The community will be provided with a better water services, they will also be trained to run their water points.

10	Will the project be implemented in cities and rural areas?	The project will conduct a feasibility study on areas in which the project can be implemented; also the project carry out community engagement
11	How will the project solve the land dispute issues? Land is a major source of disputes and conflicts in the country, and the scramble for the few water resources and points too.	Residents and users of land will mapped and agreements will be secured from all groups including local government and mayors. Transparency and equity in the selection criteria of water points to be supported.
12	Coordination of other relevant government actors on specific areas of expertise, for example, environmental issues; Some of the policies identified in the presentation, the Directorate of Environment has worked on policies already.	The project will collaborate with the different government agencies to capitalize on their expertise and partake in the project support.

### **Comments/Discussion**

The participants were actively engaged in the meeting and shared their concerns and suggestions. Some participants were concerned about land ownership and how the project would be implemented in a rural area without causing conflict among the tribes. One of the main concerns expressed by the participants was whether the federal government would be entirely responsible for project execution or if the federal government would delegate responsibilities to the federal states. However, the participants were satisfied with the overall presentation of the project presented by the project team.

## ANNEX 2: GUIDELINE ON CODE OF CONDUCT

This Code of Conduct (CoC) is prepared as part of the Labor Management Procedures (LMP) for Abaar Tir Project. This CoC will be signed by all contract workers recruited to deliver on any aspect of the project. The CoC will be adapted to the needs of the agency/institution. The CoC will be translated into Somali language (and as necessary) to ensure that each of the workers has clear understanding of the provisions and agrees to the terms. It will be signed by the worker, who will keep a copy, while the contractor/agency will keep the original signed document.

1. A satisfactory CoC 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 concerns of the ministries, the location, and the project sector or to specific project requirements.
2. The CoC should be written in plain local language and signed by each worker following an orientation to indicate that they have:
  - Received a copy of the code.
  - Had the code explained to them.
  - Acknowledged that adherence to this CoC 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.
3. The Contractor should conduct continuous awareness raising and training activities to ensure that workers abide by the CoC (such as through toolbox talks). The Contractor should also ensure that local communities are aware of the CoC and enable them to report any concerns or noncompliance.
4. The issues to be addressed include:
  - a) Compliance with applicable **laws, rules, and regulations** of the jurisdiction.
  - b) Compliance with applicable **health and safety requirements** (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment).
  - c) The use of illegal substances.
  - d) **Non-Discrimination** (for example based on family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction).
  - e) **Interactions with community members** (for example to convey an attitude of respect and non-discrimination).
  - f) **Sexual harassment** (for example to prohibit use of language or behavior, towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate).
  - g) **Violence or exploitation** (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior).
  - h) **Protection of children** (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas);
  - i) **Sanitation** requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas).

- j) **Avoidance of conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection).
- k) **Respecting reasonable work instructions** (including regarding environmental and social norms).
- l) **Protection and proper use of property** (for example, to avoid theft, carelessness or waste);
- m) Duty to report violations of this Code.
- n) **No retaliation against workers** who report violations of the Code, if that report is made in good faith.

This abbreviated CoC, which is part of the Labor Management Procedures (LMP) for the Abaar-Tir project, will be printed and placed in all facilities supported by the Project. It will be translated and shared in local languages depending on the project site.

**DO:**

- Treat community members and colleagues with respect regardless of gender, race, color, language, religion, or other status.
- Maintain social distancing and always follow government and WHO Covid-19 prevention guidelines
- Wash hands, always sanitize and observe social distancing and follow WHO and FGS updated guidelines.
- Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever, and shortness of breath.
- Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
- Observe all security protocols to protect yourselves, your colleagues, and clients from security risks.
- Comply with all national and international laws.
- **Avoid or report any conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection).
- **Respect reasonable work instructions** (including regarding environmental and social norms).
- **Protect and use property properly** (for example, to avoid theft, carelessness or waste);
- Report any violations of this CoC to workers' representatives, HR, or grievance redress committee. No employee who reports a violation of this CoC in good faith will be punished in any way and strong sanctions will be placed on staff who retaliate in any way to other workers who report violations in good faith.

**DON'T:**

- Make unwelcome sexual advances to any person in any form.
- Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion.
- Use alcohol or narcotics during working hours.
- Expose other people to the risk of infection in any form.
- Leave personal protective equipment lying around.



- 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.

### ANNEX 3: DRAFT CODE OF CONDUCT FOR ALL PROJECT AND CONTRACTED WORKERS

I, \_\_\_\_\_ acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and violence against children (VAC) is important. All forms of GBV or VAC are unacceptable in the workplace or when interacting with communities.

The organization considers that failure to follow ESHS and OHS standards or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties, or potential termination of employment. Prosecution of those who commit GBV, or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- b. Follow my employers' guidance on prevention of the spread of infectious diseases, including Covid-19.
- c. Follow my employers' guidance on security and safety, including not causing conflict or exposing myself, other colleagues, stakeholders including community members, project facilities or assets to risks.
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.
- e. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- f. Not participate in sexual contact or activity with children (anyone age 18 or under) – including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- g. Not engage in any form of sexual harassment of a co-worker - for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior. E.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life etc. Sexual harassment constitutes acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal
- h. Not engage in any form of sexual exploitation or abuse – for instance, exchanging money, employment, goods or services for sex or sexual favors, or making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior. This includes any project-related assistance due to community members. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- i. Not engage in sexual misconduct, use the project resources or funds to exploit community members.
- j. Treat community members and colleagues with respect regardless of gender, race, color, language, religion, or other status.
- k. Maintain social distancing and always follow government and WHO Covid-19 prevention guidelines
- l. Wash hands, always sanitize and observe social distancing and follow WHO and FGS updated guidelines.

- m. Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever, and shortness of breath.
- n. Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
- o. Observe all security protocols to protect myself, my colleagues, and clients from security risks.
- p. Comply with all national and international laws.
- q. Avoid or report any conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection).
- r. Respect reasonable work instructions (including regarding environmental and social norms).
- s. Protect and use property properly (for example, to avoid theft, carelessness or waste);
- t. Report any violations of this CoC to workers' representatives, HR, or grievance redress committee. No employee who reports a violation of this CoC in good faith will be punished in any way and strong sanctions will be placed on staff who retaliate in any way to other workers who report violations in good faith.

The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action.

About children under the age of 18:

- i. Wherever possible, ensure that another adult is present when working in the proximity of children.
- ii. Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger.
- iii. Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornographic material through any medium (see also "Use of children's images for work-related purposes" below).
- iv. Refrain from physical punishment or discipline of children.
- v. Refrain from hiring children for domestic or other labor, which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or places them at significant risk of injury.
- vi. Comply with all relevant local legislation, including labor laws in relation to child labor.
- vii. Use of children's images for work-related purposes.
- viii. When photographing or filming a child for work-related purposes, I must:
  - i. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
  - ii. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
  - iii. Ensure photographs, films, videos, and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
  - iv. Ensure images are honest representations of the context and the facts; and
  - v. Ensure file labels do not reveal identifying information about a child when sending images electronically.

**Sanctions**

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action, which could include:

- i. Informal warning.
- ii. Formal warning.
- iii. Additional training.
- iv. Loss of up to one week's salary.
- v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- vi. Termination of employment; and
- vii. Report to the police if warranted.

I hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my on-going employment.

Signature: \_\_\_\_\_ Name \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

## ANNEX 4:OHS REQUIREMENTS

The purpose of this requirement is to provide health and safety information about specific work risks known by the Client, Designer and Client Agent. These risks are applicable to this project and may not necessarily be common knowledge to the Contractor. The Contractor must take this information into account and ensure that their tenders include adequate resources to deal with the matters detailed in this document. Compliance must be ensured by the Contractor and Appointed Sub- Contractor to all ESF requirement and relevant legislation. Safeguarding of employees, sub-contractors and other persons affected by the construction activities must be ensured.

Reference should be made to other E&S instruments including OHS provisions in the ESMF, ESS2 (including WBG General Environmental, Health and Safety Guidelines (EHSGs )), the Project's ESMP and WB standard procurement documents

PIU and consultants supporting implementation of the work items will work mainly in the office so the OHS risk is rated from low when they are working in office (electric shock, fire, COVID-19 risks) to medium when they go for site visit (traffic accident, risk of getting communicable diseases...). Therefore, these group of workers should follow all OHS requirements in this LMP.

For contractors as is common in Somalia, there is often a lack of use of personal protective equipment (PPE) and safe workplace practices. Materials for handwashing and hygiene and masks are often not provided at work sites. Drawing upon the experience and lessons learned from similar projects, the following are key OHS risks anticipated and assessed during the implementation of the Project.

- Accidents due to falling: Incorrectly installed scaffolding, open walls, manholes on roadbeds, uninsured ladders and unprotected steel bars are the most common risks leading to labor accidents for construction workers.
- Falling objects: During construction process, it is necessary to mobilize many types of construction machinery, equipment and materials. All heavy tools and equipment and supplies may fall from the high level and helmets are not effective. If the site area is not enclosed or something may fall from a crane out of the construction area, the pedestrians may also be hit by these objects.
- Accident due to ditches and trenches: During the process of excavation and construction of drainage system, collapse may occur. If the excavated material is too close to the trench, the material may fall back and cause serious injury.
- Electrical shock: Exposure to overhead or underground high voltage lines may cause death. Damaged power tools or conductors can also cause injury due to electric shock.
- Physical injury due hard work: Back injuries caused by lifting heavy objects or improper posture.
- Heavy equipment: Injury may start from heavy equipment. The machineries may malfunction or fall down. Careless operation of the crane can cause many injuries construction activities involving heavy machineries will be quite noisy. Loud, repetitive, and excessive noise causes long term hearing problems, such as deafness. Noise can also be a dangerous distraction and may distract the worker from the task at hand, which can cause accidents.
- Contamination during infectious disease outbreaks if frequent and proper hygiene practices are not consistently applied (in particular frequent and proper hand hygiene and wearing masks to serve as barriers to human-to-human transmission of virus).

The impact level of above risks is assessed from small to medium as: (i) the impacts are localized within the construction site and scattered in the local areas; (ii) short construction period; (iii) workers are

provided with protective equipment, reasonable construction time; (iv) mitigation measures for these risks have been provided in the ESMP and workers will be trained on labor safety, traffic safety, sanitation before starting any civil works

**General risks and Hazards for contractors**

- COVID-19
- Loading and offloading of equipment
- Noise and Dust
- Manual Handling of general items
- Working with hands
- Rotating machinery
- Fire
- Use of flammable liquids
- Hand Tools
- Hazardous Substances (Chemicals and gases)
- Line of fire
- Pinch Points
- Ergonomics
- Housekeeping
- Personal Protective Equipment
- Management of Change
- Fuel Fumes
- Stacking and storage of materials in work areas.
- Snakes and other positions insects

The following materials and substances have, or may have, to be used in the works or is present and are identified as potentially posing special health and / or safety hazards during the project. Appropriate measures will need to be specified for their control:

- Petrol
- Diesel
- Oils

The following Project safety rules and/or requirements are to be observed

**Safety Rules**

COVID-19	<ul style="list-style-type: none"> <li>• Daily screening must be conducted</li> <li>• Wash hands and sanitize regularly</li> <li>• Wear mask at all times</li> <li>• Do not come to work if you feel sick or display symptoms of COVID-19</li> <li>• Immediately report to your supervisor if you start feeling sick while at work</li> </ul>
Manual Lifting	<ul style="list-style-type: none"> <li>• Keep your back straight, Bend the knees, don't reach and lift, Get help for heavy loads.</li> </ul>
Daily Inspections	<ul style="list-style-type: none"> <li>• All equipment used must be inspected daily by the user and monthly by a competent person.</li> </ul>

Unsafe Use of Tools	<ul style="list-style-type: none"> <li>Inspect regularly, report all defects at once, use the right tool safely, Put it away safely</li> </ul>
Protective Equipment	<ul style="list-style-type: none"> <li>Ensure you use the correct PPE for the job at hand</li> </ul>
Housekeeping	<ul style="list-style-type: none"> <li>A clean job is a safe job, use waste bins, Pile materials safe and neat, Remove hazardous debris</li> </ul>
Teamwork	<ul style="list-style-type: none"> <li>Plan all work with safety</li> <li>Protect fellow workers</li> <li>Ensure work areas are made safe before work starts</li> </ul>

### **Inductions**

All Contractor's personnel shall undergo induction before commencement of work on the Project Site. Appropriate time must be set aside for training (induction and other) of all employees. Acknowledgement of receiving and understanding the induction shall be signed by all persons receiving this induction.

Employees are responsible for their own Health and Safety and that of their co-workers within their work area. They shall be made aware of their responsibilities during induction and awareness sessions which include:

- Familiarizing themselves with their workplaces and Health and Safety procedures;
- Working in a manner that does not endanger them or cause harm to others;
- Keeping their work area tidy;
- Reporting all incidents / accidents / occupational ill-health and near misses;
- Protecting fellow workers from injury;
- Reporting unsafe acts and unsafe conditions;
- Reporting any situation that may become dangerous;
- Carrying out lawful orders and obeying HSE rules.
- Reporting to the employer when displaying any COVID-19 symptoms while at work or at home.
- The Contractor shall ensure that all Contractor's personnel undergo general work induction with regard to general hazards prevalent, LMP requirement, GRM, HSE Rules and other related aspects.

### **Record Keeping**

The contractor will keep and maintain Health and Safety records to demonstrate compliance with the Occupational Health and Safety Specification and the Act. The contractor will ensure that all records of incidents, spot fines, training etc. are kept on site. All documents will be available for inspection by The Project Client / Client Agent or Inspectors

### **First Aid Box and First Aid Equipment**

The Contractor should have a designated First Aider(s) who is qualified. The Contractor will provide, on site, First Aid Boxes, adequately stocked at all time, and ensure that the First Aid Box is accessible and fully controlled by a qualified First Aider. In addition, the location of these boxes must be indicated by means of Health and Safety Signage. A contact number of the First Aider must be on displayed in all relevant areas.

### **Personal Protective Equipment (PPE) and Clothing**

The Contractor will make provision and keep adequate quantities of PPE or clothing on site at all times. These will be analysed by means of the Risk Assessment. The contractor must ensure that a PPE survey is conducted to determine the type of PPE that will be needed and indicate which job category will need what PPE this will include COVID-19. PPE issue records must be available for all PPE issued to employees on site, ensure each employee signs for their PPE

All employees must be trained regarding the use maintenance and limitations of PPE issued for COVID-19 this will include the washing, drying and ironing of face masks The Contractor will clearly outline procedures to be taken when PPE or clothing is:

- (a) Lost or Stolen
- (b) Worn Out or Damaged
- (c) When and where it must be worn or used

### **Occupational Health and Safety Signage**

The Contractor will provide adequate on site OHS signage. OHS signage will include, but will not be limited to, Safety Goggles, Safety Shoes to be worn; Dust Masks to be worn in areas where there might be exposure to excessive dust; Ear Plugs / Muffs to be worn where there might be exposure over 85 dBa etc. The Contractor will be responsible to maintain the quality and replacement of signage. Type of signage needed will be determined by the existing hazards and risks on site. The contractor will also ensure ample informative and instructive COVID-19 posters are displayed at all areas where employees gather or perform their work

### **Work Stoppage due to non-conformance**

The Client Agent and the Client are entitled to stop the execution of the works and issue Nonconformance notices for serious / life threatening Health, Safety or Environmental violations. Any non-conformances / findings / observations found during audits / inspections shall, where practicable, be raised, discussed and resolved directly with the Contractor.

The conditions that can lead to work stoppages include but shall not be limited to:

- Management of change: This is when there are changes to the work environment (e.g. management / supervisory changes) and / or construction work (e.g. modifications to the design) at any phase of the construction period, and / or amendments with regards to the Clients rules and regulations and / or legislative amendments;
- Unsafe acts / behaviors by Contractor's personnel;
- Unsafe conditions resulting from unforeseen hazards, changes in working procedures, unexpected weather conditions and malicious acts of vandalism. In the event of unsafe conditions being identified by any person, the process to be followed shall be:
- The Client/Client Agent shall be informed immediately.
- The work activity shall be stopped immediately and conditions made as safe as possible as an interim measure.
- The affected workforce shall be removed from the work area and the Contractor shall correct the Health and Safety deficiencies by allowing only the people in the area that are competent to make the area safe.
- The Contractor shall ensure that no other work is being performed in the area during this time. The area shall be barricaded and a sign placed with the wording. Where necessary guards shall be posted to prevent entry.



## **Security and Emergency situation**

The Contractor shall evaluate the security strategy and arrangements required for all worksites including transport. This evaluation shall be performed by qualified security experts and shall form the basis for the Worksite Security Strategy and Plan, which shall be submitted and approved by the PIU. The Security Strategy and Plan shall describe:

- Security risks and the identified mitigation / management measures
- Roles and responsibilities including details of the Contractor and Subcontractors
- Detection, monitoring and management procedures
- Escalation plans including resources

In case of emergency, at a minimum, the Contractor shall make contingency arrangements for calling a Doctor and transporting injured persons to hospital. The telephone numbers of the emergency services and the name, address and telephone number of the Doctor and the nearest hospital shall be prominently displayed in the Contractor's office.

The Contractor ensures that all personnel are informed and aware of how to react in an emergency situation, and responsibilities are defined. Information and awareness training is documented, and available on all Project Areas.

Incident reporting should be as per the incident report procedure in the POM.