

Federal Government of Somalia



Somalia National Bureau of Statistics

Additional Financing for Somali Integrated Statistics and
Economic Planning Capacity Building

(P171160)

Labor Management Procedures (LMP)

Draft

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1 INTRODUCTION

1.1 Background

Somalia has been rebuilding state institutions and the economy since the end of the devastating civil war, with strong support from the international community. However, conflict and violence remain high, with a rise in conflict-related incidents and fatalities. In addition, fragility has resulted in nascent state institutions with limited capacity, which in turn has hindered the delivery of basic services and has resulted in a fractured social contract. According to the 2023 Somalia Poverty and Equity Report, over 54% of the population lived below the national poverty line of \$2.06 per day in 2022. Despite these challenges, Somalia reached a historic HIPC Completion Point on December 13, 2023, and joined the East Africa Community on November 24, 2023, becoming a full member on March 4, 2024.

Somali Integrated Statistics and Economic Planning Capacity Building Project P181697 (parent project) was instrumental to facilitate these achievements. The parent project was designed to strengthen the national statistical system in the collection, processing and dissemination of poverty and selected macro-economic data to inform development policy and poverty reduction activities. So far, it has achieved strong outcomes with World Bank's Statistical Performance Indicators (SPI) rising from 19.6 in 2019 to 48.4 in 2022.

Despite the recent success of the parent project, Somalia still faces data gaps. Somalia still faces a considerable data gap in its development process. Somalia can only report on 84 out of 215 applicable indicators to monitor progress on the Sustainable Development Goals (SDGs). The data challenges for Somalia include: climate, private sector, and human capital. The Country Partnership Framework highlights three high-level objectives (HLOs) for Somalia's growth and poverty reduction: Inclusive, Private sector-led Job Creation and Economic Growth; Enhanced Human Capital; and Greater resilience to climatic and other shocks. All three HLOs still lack crucial data to support decision-making and implementation of actions by the government, private sector, civil society, and the World Bank.

The Federal Government of Somalia (FGS), through the Somalia National Bureau of Statistics (SNBS) has received a grant from the International Development Association (IDA) to implement the AF for Somali Integrated Statistics and Economic Capacity Building (SISECB) (P181697) Project. The project aims at strengthening the country's national statistics system, the monitoring and evaluation (M&E) system, and improving programing and analytical capacity of the government's macroeconomics and fiscal programming agencies to enable them to regularly assess, analyze and improve their public policies and

programs performance and results. The AF is being prepared under world bank environmental and social framework ESS2 on labour and working conditions.

1.2 Project Description

Project Development Objects: Strengthen the NSS in the collection, processing, and dissemination of fundamental macroeconomic and socioeconomic data to inform development policy and poverty reduction activities. The project has the following Components.

Component 1: Strengthening coordination, statistical infrastructure, and data development of the National Statistical System (US11.58 million) strengthens the capacity of the National Statistical System (NSS) in key official statistics-producing agencies to collect data for monitoring poverty and macroeconomic indicators, including national accounts, GDP, sector growth, and inflation. Priority data gaps include poverty statistics, updating the Consumer Price Index (CPI), development of administrative data, and national accounts. Additionally, the project supports the Somali Integrated Business Establishment Survey (SIBES) and the Somali Integrated Household Budget Survey (SIHBS), both providing essential data for designing the national CPI basket and determining commodity weights.

Component 2: ICT infrastructure development and equipment of the National Statistical System (US1.22 million) supports the ICT infrastructure in the Somalia National Bureau of Statistics (SNBS) and statistics units in Federal MDAs and Federal Member States (FMS) responsible for producing official socioeconomic statistics.

Component 3: Data utilization for monitoring and evaluation (M&E) and planning (US 8.7 million). This component aims to build capacity for using data in planning and economic policy analysis through support to the Monitoring and Evaluation Directorate (MED), the National Economic Council (NEC), and macroeconomic and fiscal programming and enhance capacity in fiscal and macroeconomic analysis, economic forecasts, research, and monitoring and evaluation.

Component 4: Project Management (US3.5 million) provides support to the Recipient to strengthen its capacity for project planning and budgeting, management, coordination, monitoring, and evaluation activities, through the provision of technical advisory services, training, operating costs, and the acquisition of goods.

Additional Finance: The AF will support the scaled-up activities of the parent project components, and will finance a 36-month extension of the project closing date of August 31, 2025, to August 31, 2028.

The AF project PDO is **strengthen the NSS in the collection, processing, and dissemination of fundamental macroeconomic and socioeconomic data to inform development policy and poverty reduction activities.**

The project has the following components.

Component 1: Strengthening Coordination, Statistical Infrastructure, and Data Development of the NSS.

This component will enhance support by including additional rounds of existing surveys and introducing new surveys to address critical data gaps. It will focus on climate, private sector development, strengthening the administrative data collection and analysis, and human capital, incorporating climate modules into household, firm, and agricultural surveys. It will support an Agricultural Census, and possibly one Agricultural Survey, and a national mapping exercise to contribute to master sampling frame for the country. These activities will include training for staff across the NSS, including FGS and FMS statisticians

- Subcomponent 1.1 Not funded under AF
- **Sub-component 1.2: Somali Integrated Household Budget Survey.** The upcoming round will largely follow the methodology of the 2022 SIHBS, while incorporating improvements based on lessons learned.
- **Sub-component 1.3: Strengthening Sources of Business and Administrative Data needed for the Compilation of National Accounts and Key Social Statistics.** Under this sub-component, the AF will fund an additional round of the Integrated Business Establishment Survey, as well as activities to update and extend the coverage of the SBR.
- **Sub-component 1.4: Strengthening Human Capacity in CPI and National Accounts Statistics.** Key new activities will include: **Price Statistic, GDP estimates, Trade Statistics.**
- **Sub Component 1.5: Not funded under AF**
- **Sub-component 1.6: Climate change and environment statistics:**
- **Agricultural statistics;** The AF will fund these, gathering data on farm types, yields, resources, input usage, and climate resilience practices. The surveys will also assess climate change impacts and the adoption of climate-smart methods. As a new EAC member, Somalia will follow the "EAC Guideline for Improving and Harmonizing Agricultural Statistics
- **and Environmental Statistics and Geographical Information System (GIS);** AF will fund an environmental statistics plan and a GIS center at SNBS to enhance data sharing and tackle climate risks. The GIS center will focus on infrastructure, capacity building, and creating a national digital map for master sampling.
- **Sub-component 1.7: Human Capital Statistics.** The AF will support the first nationally representative MICS since the civil war, in partnership with SNBS and UNICEF. The MICS will offer key insights into children's welfare, including child mortality and education quality.
- **Sub-component 1.8: Private sector development. Updating the business registry.**

Component 2: ICT development infrastructure and equipment of the NSS

Under this component, support will be scaled up to expand the investment in ICT Development and Equipment beyond the federal government to support statistical activities in FMS and reinforce coordination between the SNBS and FMS statistical institutes. This investment in statistical infrastructure will support several other actions of the AF, notably improvements in price statistics production.

- **Sub-component 2.1: This subcomponent will not be financed under AF**

- **Sub-component 2.2: Statistical software and hardware:** requirements assessment would be conducted for all FMSs and Somaliland to gather an aggregate count of basic productivity hardware/software needed by all staff, and their detailed specifications for procurement. To achieve equitable digitalization and secure connectivity between the SNBS and FMS Statistics Departments, a high-speed Wide Area Network (WAN) and upgraded Local Area Networks (LANs) will be provided, along with essential hardware like switches, routers, firewalls, and storage networks and mirror FMS technology with that of SNBS.

Component 3: Data utilization for M&E and planning:

This component will enhance the capacity of the Monitoring and Evaluation Directorate (MED), the Planning Directorate, and the Ministry of Finance (MOF) to use SNBS survey data for planning, implementing, and monitoring priority activities at national and state levels. It will also cover the preparation of key planning and policy documents like the National Transformation Plan (NTP) 2025-2029, the Human Capacity Development Strategy (HCDS), and Vision 2060. Additional funding will strengthen MDAs' ability to effectively use data in climate, human capital, and private sector development.

- **Sub-component 3.2: Supporting Economic Policy Analysis and Planning Capacity.** Under this sub-component, activities will be scaled up supporting Economic Policy Analysis to include environmental and climate policy studies across critical sectors. The AF will support the final phase of the Centennial Vision 2060, ensuring the refinement of the long-term strategic roadmap through stakeholder consultations and validation processes.
- **Sub-component 3.3: Enhance data utilization through open data initiatives and capacity building.** SNBS in partnership with local universities, public and private sectors can conduct data utilization awareness campaign, researchers and other initiatives to enhance the data demand and utilization.

Component 4: Project Management.

1.3 Labor Management Procedures.

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): "Labour and Working Conditions" 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 labour 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.

The ESS2 recognizes the centrality of fairness, non-discrimination and equal opportunity among workers.. ESS2 requires the Borrower to develop an LMP which sets out how project workers will be managed, in accordance with the requirements of national law and ESS2 and to ensure their safety is given consideration

as per the ESS4. The procedures outline how the LMP will apply to different categories of project workers including direct workers, and the way in which the Borrower will require contractors to manage their workers and their safety during project implementation.

2 OVERVIEW OF LABOR USE ON THE PROJECT

The LMP will be administered to the different categories of project workers as defined below. While the exact labour use (including the number of project workers, their characteristics and timing of workforce mobilization) will be determined during the implementation, the project workers engaged or employed will include direct and contracted workers, primary suppliers, community workers as discussed below.

- **Direct Workers.** The project will engage the following types of workers as “direct workers”: This are SNBS staff at the Federal Government and State levels, and consultants hired in the PIU, and supervision consultants for the various works including ICT. Civil servants working for the project will remain subject to the terms and conditions of their existing public sector employment although OHS including security and GBV/SEA measures will apply to them too.
- **Contracted workers:** these include skilled staff of the primary contractors (consulting companies hired to deliver on the project), skilled workers engaged by sub-contractors (e.g. data and IT specialist).
- **Primary supply workers.** The project will require primary supplies to cater for the operational costs for the statistics project and office particularly office supplies and equipment (including computers, printers, utilities, internet & other communication costs, and related equipment) ICT systems, data analytics systems.

Table: Overview of Indicative Labor Use

| Type of project workers | Characteristics of project workers | Timing of labor requirements | Indicative number of workers |
|--|--|---|--|
| Direct workers | <ul style="list-style-type: none"> • PIU: National consultants • consultants: international and national experts retained under the project • Field workers: National | <ul style="list-style-type: none"> • PIUs: from project preparation until project completion • consultants: from project preparation until project completion • During field surveys field data collection phases. | <ul style="list-style-type: none"> • PIU: approx. 5 consultants • field staff: |
| Contracted Workers | <ul style="list-style-type: none"> • Contracted to provide ICT and system delivery if not included in the category above • GBV service providers • Contracted service providers including data collection and analysts. • Enumerators to undertake surveys | <ul style="list-style-type: none"> • During project implementation | <ul style="list-style-type: none"> • To be supplied by the contractor and identified during implementation. |
| Primary supply workers <ul style="list-style-type: none"> • Workers engaged by primary suppliers | <ul style="list-style-type: none"> • They are most likely to be local workers. | <ul style="list-style-type: none"> • Project implementation. | <ul style="list-style-type: none"> • The primary supply workers will be identified during the project implementation stage. |

This LMP will apply to project workers including fulltime, part-time, temporary, and seasonal The LMP contains relevant mitigation measures to be incorporated into procurement documents.

2.1 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Project activities. The project is anticipated to finance the purchase of IT system and equipment’s, including printers, photo copiers, desktops, laptops, and tablets and devises used for collecting and recording of data across Somalia and undertake capacity building activities. As currently designed, the project has no intent to finance civil works, including repair or rehabilitation of offices. The project could have positive impacts (through collection of data to inform Government) on climate risk mitigation, agricultural capacity and resource.

Key labor risks. Potential risks are those related to labor and working conditions, managing labour relations and disputes, occupational health and security, discrimination, use of child and forced labour, e waste management, and , sexual abuse and harassment and all other form of gender based violence (GBV) as discussed below.

Potential labour and OHS risks and mitigation measures

| Risk/Impacts | analysis | Mitigation measures |
|---|---|--|
| Labour and working conditions (ESS2) | | |
| Terms and conditions of employment | This is a potential risk that will emanate as a result of working in conditions that are not consistent with national and ESS2. The ESS2 provides for the promotion of fair treatment, non-discrimination, and equal opportunity of project workers | <ul style="list-style-type: none"> • Project workers will be provided with information and documentation that is clear and understandable regarding their functions, terms and conditions of employment. • -The information and documentation will set out their rights under national labour and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur • -The documentation will be translated into Somali if necessary and read out to workers who may not be literate • -The workers will be provided with accessible and safe means to raise workplace concerns. This will be done through the special GM under ESS2 and project grievance mechanism as well as formation and joining of collective bargaining bodies |
| Labour disputes | The contractor and primary suppliers will have workers who will be involved in the | The project shall adhere to the requirements proposed in the project LMP including: |

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|--|--|--|
| | <p>project activities and other amenities, and installation of ICT equipment and systems. Potential labour disputes may arise due to interpretation, application of contract regarding conditions of employment, variation or change of job descriptions (JD), benefits, hours of work, and wages negotiated or of already agreed terms. Labour disputes may also arise due to disagreements amongst the workers and between workers and the contractors, primary suppliers and community workers.</p> | <ul style="list-style-type: none"> • Fair terms and conditions shall be applied to all project workers (guided by relevant laws) • The project shall have GMs for project workers (direct workers, contracted workers, primary suppliers and community workers) to promptly address their workplace grievances • The project shall respect the workers' right and freedom of association. |
| <p>Discrimination of employment on the basis of gender, disability or clan</p> | <p>The risk of discriminating on the basis of gender, disability and clannism in recruitment exists especially at the local level during the construction of schools and offices. There is also a risk of bias in the recruitment of enumerators, project staff and workers in activities financed by the project .</p> | <ul style="list-style-type: none"> • Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, 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. • Contractors will be compelled to offer a written undertaking and commitment to safeguard the interests of women, including ensuring gender parity at the workspace. • Employees and workers will equally have unfettered access to the GM channel to raise their concerns. |

| | | |
|--------------------------------|--|---|
| | | <ul style="list-style-type: none"> The social specialists will routinely and periodically supervise and monitor the contractor's approach and actions to ensure that no cases of discrimination occur or if they occur they are addressed immediately through the appropriate channels. |
| Forced and child labour | There is a risk of forced labour being used during the recruitment of enumerators in rural areas. | <ul style="list-style-type: none"> The workers will be provided with safe and accessible means to raise workplace concerns using a workplace GM. In addition, the workers could use the project GM. The contractor shall undertake in writing not to accept, directly or indirectly to accept, allow or aide any form of forced labour Work closely with the State and District Labour Inspectors to ensure that forced is not provided. |
| Occupational Health and Safety | | |
| E waste management | The electronic waste from the project activities including the computers and data collection gadgets | <ul style="list-style-type: none"> The contractors will follow a e Waste Management Plan which will be used to ensure that all waste from the project is appropriately disposed. |
| GBV/SEA | The movement of the project staff from one location to another especially during data collection and training may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers. There is also a risk of SH among the workers in the offices and other places of work. | <p>The project shall put in place measures to mitigate risks of GBV-SEA/SH through Codes of Conduct (CoC) and sensitize the workers and local communities of available channels for complaints related to SEA-SH.. The M and E managing environmental and social risks in the PIU will</p> <ul style="list-style-type: none"> Sensitize project workers and the SNBS staff and beneficiary communities on GBV/SEA Sensitize stakeholders on GBV/SEA and the referral pathways |

| | | |
|-------------------------|--|---|
| | | <ul style="list-style-type: none"> • All project personnel to be sensitized on GBV/SEA as well as the beneficiary communities • The CoC, to be signed by the workers contains provisions on GBV/SEA |
| Insecurity | The main security threats associated with the project include attacks on workers (direct, contract, and suppliers) and theft of project materials and equipment. Further, banditry within some FMS may pose a threat to the implementation of the project. | <ul style="list-style-type: none"> • All workers and SNBS staff involved in the field operations shall be oriented on security threats and guidance provided in the project Security Management Plan. • -Once the districts and project implementation areas have been confirmed, a district Security Risk Assessment shall be conducted by the contractors and make necessary measures to safeguard project workers. |
| Traffic related hazards | There is high risk associated with traffic and road safety hazards during implementation in relation to the collection of data, survey, supply and delivery of materials and equipment for the project. | <ul style="list-style-type: none"> • Only road worthy vehicles and trucks shall be used in transportation of project staff, equipment and materials to avoid frequent breakdowns and risks of road accidents. • Drivers (especially going to high insecurity areas) shall follow guidance on safe emergency driving • Ensuring vehicles with restricted rear visibility are outfitted with audible back-up alarms • All fleet handling deliveries shall observe speeds limits in place. |

3 BRIEF OVERVIEW OF LABOR LEGISLATION

ILO fundamental conventions ratified by Somalia. Somalia has been a member of the International Labour Organization (ILO) since 1960. The country has ratified 6 out of 8 fundamental conventions of 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)
- *Worst Forms of Child Labor Convention* (No. 182) (ratified in 2014)

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

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

1) Content of individual contract of employment (Article 46)

- 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)

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

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.

2) Notice for termination of contract (Article 50)

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:

(a) Not less than ten days in the case of manual workers;

(b) Not less than 30 days in the case of non-manual workers:

Provided that no notice need be given in case the duration of contract does not exceed one month.

3) 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 Labour Commission, and with the approval of the Council of Secretaries.

4) 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 in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.

5) Weekly rest (Article 96)

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

6) Annual leave (Article 97)

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

7) Fringe benefits (Article 73)

- Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.

8) Deductions from remuneration (Article 82)

- No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

9) Death benefit (Article 53)

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

10) Expecting and nursing mothers (Article 91)

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

11) Nursing breaks (Article 92)

- 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.

Occupational Health and Safety (OHS). The Labour Code² covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labour Code with regard to OHS.

1) Protection against possible risks (Article 101)

- All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:
 - a) Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health

² The Revised Draft Somalia Labour Code has more emphasis on occupational health and safety requirements. It makes the Director of Occupational Safety and Health (OSH) responsible for the registration of hazards and risks, regulation and supervision of all workplaces and monitoring or enforcing compliance with Labour Code and any other labour law to the extent that they regulate safety, health and welfare in the workplaces. Part VI of the Revised Draft Labour Code covers the administration of occupational accidents, injury and disease provisions at work place, employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses and penalties etc.

- b) Take suitable measures to prevent contamination of work-places from toxic gases, vapours, dust, fumes, mists and other emanations;
 - c) Provide sufficient and suitable toilet and washing facilities, separate from men and women workers;
 - d) Provide an adequate supply of drinking water easily accessible to all workers;
 - e) Maintain fire-fighting appliances and staff trained in their use;
 - f) Provide the necessary safety appliance adapted machinery and plant;
 - g) Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
 - h) provide suitable installations for the removal of refuse and drainage of residual waters;
 - i) take the necessary precautions in his establishment to protect the life, health and morality of the workers;
 - j) ensure that his staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
 - k) post up in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
 - l) supply the workers with the apparatus and instruments to guard against the risks inherent in the work;
 - m) take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.
- 2) Notification of industrial accidents and occupational diseases (Article 102)
- The employer shall immediately notify the competent labour inspectorate of all accidents resulting in injury of death and occupational diseases.
- 3) Medical facilities (Article 103)
- Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.
- 4) Conveyance of injured and sick workers (Article 104)
- It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Non-discrimination and equal opportunities. Somalia’s Provisional Constitution provides that “*all workers, particularly women, have a special right of protection from sexual abuse, segregation and*

discrimination in the work place. Every labour law and practice shall comply with gender equality in the work place” (Article 24-5). The following is the relevant provisions in the Labor Code:

1) 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:
 - (a) The cessation of the activity of the undertaking in which the woman worker is employed;
 - (b) 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.

Child labor and forced labor. Below is the list of provisions of Labour Code with regard to child labor and forced labor.

Child Labor

1) 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.

2) 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.

3) 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.
- 4) Medical examination (Article 95)
- Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on which they are to be employed. Thereafter the employer shall arrange for a medical examination once a year for children and young persons until they reach the age of 18 years.
 - Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
 - Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

Forced Labor

- 1) Freedom of labour (Article 6)
- Forced or compulsory labour is forbidden in any form.

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

- 1) Organization and purpose (Trade Unions) (Article 9 and 10)
- The organization of labour unions shall be free.
 - Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
 - Every person is free to join a trade union within the framework of his occupation.
 - A trade union shall be established by a notarial act. It shall have a minimum of 50 members.
- 2) Freedom of association (Article 15)
- It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to
 - (a) Make the employment of a worker subject to the condition that he shall not join a labour union or shall relinquish trade union membership;
 - (b) Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.
 - It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labour union.
- 3) Rights of trade union (Article 25)

- A trade union shall have the rights to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal actions arising out of such contracts or based on the law.

3.1 Brief Overview Of Labor Institutional Framework

The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks. Currently, there are 160-170 staff at federal level, but there is no clear job assignment and distribution of roles and responsibilities. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While 5 States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection. While the new government established under the new Provisional Constitution is still nascent, there is significant gap³ in the implementation of the Labour Code. Below is the list of relevant provisions of the Labour Code on the institutional arrangements of labor authorities.

- 1) Central labor authority (Article 106)
 - The Ministry shall be the Central Labour Authority for the purposes of the Code.
 - The Central Labour Authority, through the Labour Department, shall ensure compliance with the provisions of this Code.
 - The Head of the Labour Department shall have the rank of Central Labour Inspector.
- 2) District labor inspectorates (Article 107)
 - A district labor inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of district labour inspector who shall be appointed by the Secretary.
- 3) Duties of district labour inspectors (Article 108)
 - The district labour inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and conciliate in labour disputes falling within his competence.
- 4) Power of inspectors (Article 110)
 - The Central Labour Inspector and district labour inspector shall have the power to
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;

³ The ILO is supporting the government in developing capacity of the MOLSA, Labor Ministries of Federal Member States and labor partners (Employers and Workers) for effective implementation of Labour Code.

- b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
- c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.

5) Individual labor disputes (Article 134)

- An individual labour dispute shall be submitted by any of the parties to the competent district labour inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

6) Collective labor disputes (Article 135, 136, 137)

- A collective labour dispute arising at the district, firm or factory level shall be submitted to the competent district labour inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

4 POLICIES AND PROCEDURES

The project will apply the following policies and procedures to address the key labor risks identified under the section II. The summary of indicative procedures to implement the polices is presented in the following table.

- **Recruitment, Retention and Replacement**

The objective of this procedure is to ensure that the recruitment process, retention and placement of project workers (including direct and contracted workers) is conducted in a manner which is non-discriminatory and employees are inducted to all essential work-related matters.

Procedures

The PIU or contractor to follow the recruitment plan presented to him/her by the PIU for incorporation in the employment contracts before any approval this will be equally applicable to employees recruited before the contractor signed the project contract. Such employees will have their contract reviewed to reflect these changes and such a review of terms will be an integral part of the project contract to the contractor,. The following details will be included:

- Number of staff required;
- Intended working conditions
- Intended locations of staff; and
- Job specifications in terms of qualification and experience.

Contractor, wherever appropriate and feasible, publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for community workers and public gathering areas like mosques) to ensure all potential candidates have access to the information, including women while actively addressing risks of nepotism. The PIU will advise on the appropriate method to disseminate the advert as per the area and relevance.

iii. Shortlist and recruit candidates ensuring the following:

- As much as possible, 30% shortlisted candidates are women;
- As much as possible, 30% engaged employees are women;
- Ensure the representation of persons with disabilities; and
- Screen off candidates under the age of 15 years.

iv. On recruitment, ensure a contract of employment is signed voluntarily, for both contracted workers. A written individual contract of employment shall specify the following: (a) name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract including notice period (h) leave days including maternity (i) decuations and (J) benefits financial or otherwise (k) injuries compensation.

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.

Before commencement of work, the Social Specialist and the PIU will ensure the employee is inducted on the essential work related issues. The CoC will be translated into Somali and read out to workers who may not be able to read and write. The social specialists will ensure that there is capacity building done for the contractors to comply the LMP requirements identified here., To avoid labor disputes, fair terms and conditions will be applied for project workers. The project will also have grievance mechanisms for project workers (direct workers and contracted workers) in place to promptly address their workplace grievances. The PIU will ensure that all contracts will include provisions that safeguard workers against retaliation and have an elaboarte process of desciplinary action and termination process. A celar non victimization policy should be publicized to all workers.

- **Occupational health and safety (OHS).** Pursuant to the relevant provisions of the national Labour Code (Articles 101-104), ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs)), and WB standard procurement documents, SNBS will manage the project in such a way that the workers and the community are properly protected against possible OHS risks. Key elements of OHS measures should 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.

Procedure

On procurement for contractors, the PIU will avail the LMP to the aspiring contractors so that contractors include the budgetary requirements for OHS and community health and safety measures and instruments in their respective bids.

- The PIU, either through a consultant or through internal resources, will develop a safety management system and the contractor will maintain it. The system will be consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on OHS which can be found at <http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf>
- The contractor will adopt the project LMP to help manage labour construction risks (technical support will be extended on need basis).
- The contractor, with the support of the social specialist at the PIU, will provide appropriate training/induction of project workers and maintenance of training records on OHS.
- The contractor documents and reports on occupational accidents, diseases and incidents to the PIU and WB.

Contractors shall maintain all such records for activities related to the safety health and environmental management including trainings undertaken, accidents (fatalities, loss time) and log of all reporting to the PIU on such incidents for inspection by the PIU and WB . The Contractor will also provide OHS related data/information in their routine reports to the PIU. The school operator shall equally maintain the same record as mentioned here, and include OHS related data/ information in their periodic reports.

Management of GBV/SEA.

The project will adopt best practice to GBV/SEA risk mitigation that build on existing mechanisms in the SNBS, at the Federal Government and Federal Member States, noting that the capacity at the various levels remains low. The M and E specialist will develop guidelines on existing protection, prevention and mitigation strategies and measures developed and coordinated through the SNBS and its partners at the implementation level. The implementation of risk management will be supported by a service provider for on-call psychosocial services which will include a hotline for reporting cases of GBV/SEA and child abuse. Requirements for safe and confidential reporting of cases of GBV and child abuse will be inbuilt into the service provider's terms of reference (ToR).

To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the parent project has a GM with a survivor-centric approach to GBV-related cases which will be adopted for the AF.. Where such a case is reported, the complainant will be provided with information about the available services including referral to the GBV Service Provider; confidential appropriate medical and

psychological support; emergency accommodation; and any other necessary services as appropriate including legal assistance. Staff contacted by a survivor will immediately inform the M and E in charge of environmental and social risk management (ESRM) in the project who will in turn contact or refer the case to a GBV Service Provider or refer him/her to a health facility that specializes in free post-GBV health support (within 72 hours of the incident). All staff and GM focal points will be informed that if a case of GBV is reported to them, the only information they will 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 will be immediately reported to the Project Manager who will provide further guidance after consulting with the WB. All cases will be reported to the World Bank within 24 hours of filing.

Survivor-Centered Approach to Case Management for Sexual Exploitation and Abuse

Key Principles and Practices

A survivor-centered approach to case management for sexual exploitation and abuse under the project involves various principles and practices designed to respect, empower, and support survivors. Below are essential bullet points outlining this approach:

- **Confidentiality:** Ensure the privacy and confidentiality of the survivor's information to protect their safety and dignity.
- **Empowerment:** Focus on empowering survivors by providing them with information, options, and control over their recovery process.
- **Informed Consent:** Obtain explicit and informed consent from survivors before taking any action or sharing their information.
- **Non-judgmental Support:** Offer a non-judgmental, empathetic, and supportive environment to encourage survivors to share their experiences.
- **Safety Planning:** Prioritize the safety of survivors through personalized safety planning and risk assessment.
- **Cultural Sensitivity:** Respect and incorporate the survivor's cultural, religious, and personal beliefs and practices in the case management process.
- **Holistic Approach:** Address the survivor's physical, emotional, psychological, and social needs through comprehensive and coordinated support services.
- **Interdisciplinary Collaboration:** Foster collaboration among various professionals and services, including legal, medical, and psychosocial support, to provide holistic care to survivors.
- **Trauma-Informed Care:** Apply trauma-informed principles to understand the impact of trauma on survivors and tailor services to their specific needs.

- Empathic Engagement: Engage with survivors in a manner that acknowledges their experiences and validates their feelings.
- Accountability and Transparency: Ensure accountability and transparency in the case management process to build trust with survivors.
- Long-term Support: Provide long-term support and follow-up services to assist survivors in their ongoing recovery and reintegration into society.
- Advocacy: Advocate for survivors' rights and access to justice, while also working to raise awareness and prevent further instances of sexual exploitation and abuse.
- Individualized Care Plans: Develop and implement individualized care plans based on the unique needs and preferences of each survivor.

Data management protocols of SEA-SH cases under the project

Under the project personnel dealing with sensitive cases involving sexual exploitation and abuse (SEA), shall maintain confidentiality, security, and ethical standards in data management. Provided below is a protocol designed to guide a handling SEA-SH cases in the project. These protocols will ensure that all actions comply with international best practices, project requirements, and protect the rights of survivors and other parties involved.

a) Confidentiality and Ethical Standards:

- All staff shall maintain strict confidentiality for all SEA case information, limiting access to authorized personnel.
- Data may be shared only with survivor consent or when legally mandated, using de-identified data when possible.
- Obtain informed consent before collecting or storing data, and explain how it will be used.
- Prioritize survivor safety and dignity, allowing them to access and correct their own information.

b) Data Collection Protocols:

All persons shall:

- Use standardized forms and collect only essential information.
- Document cases promptly and accurately, minimizing unnecessary data.
- Respect survivors' decisions on what information they are comfortable sharing.

c) Data Storage and Security:

All persons shall:

- Store case files securely (locked physical storage, encrypted digital databases with role-based access).

- Protect digital devices with strong passwords and conduct regular security audits.
- Regularly back up data and implement clear data retention policies, securely destroying files after their use.

d) Data Sharing and Reporting:

All persons shall:

- Share data internally on a need-to-know basis and externally only with survivor consent, anonymizing when needed.
- Coordinate with service providers by sharing minimal data necessary for service provision, ensuring written consent.

e) Data Access Control:

All persons shall:

- Restrict access to authorized personnel through role-based access and maintain audit trails to track data modifications.
- Provide regular training on data protection and ethical case management.

f) Breach Management:

All persons shall:

- Report suspected data breaches immediately, investigate thoroughly, and notify survivors if necessary.
- Implement corrective measures to prevent future breaches.

g) Monitoring and Evaluation: Conduct regular reviews and performance audits of data management practices, gathering feedback for improvement.

Contractor management procedures

Each contractor engaged by the project to provide services will be expected to adopt the measures outlined in this LMP. The contracts drawn by the Government will include provisions, measures and procedures to be put in place by the contractors to abide by the relevant labour and OHS requirement and remedy any defective concerns. Measures required of contractors as part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria (e.g. for medical waste management, certifications, previous experience). The objective of this procedure is to ensure that the PIU has contractual power to administer oversight and take action against contractor noncompliance with the LMP.

Procedure

The PIU shall avail all related documentation to inform the contractors about their requirements for effective implementation of the LMP.

The PIU including environmental and social specialist to ensure all relevant OHS requirements (clauses) are included in bid package.

Before submitting a bid for any contract, the contractor shall incorporate the requirements as provided for in this LMP.

Contractors to formulate and implement contractor specific Management Plans as required by the LMP. including:

- a. OHS plans;
- b. Labour Recruitment Plans;
- c. CoC for employees;
- d. Waste Management Plans
- e. Emergency Response Plan, among others.

Contractor to submit compliance status reports on the implementation of the LMP.

The social specialist to periodically review, monitor and prepare progress reports on the soundness of the implementation steps put in place by the contractor.

The PIU will have unfettered access to independently verify the soundness of the contractor's implementation of the requirements of the LMP.

Where appropriate, the PIU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP. The following are some of the major noncompliance areas that contractors need to take note of:

- Failure to submit mandatory quarterly progress report;
- Failure to avail for inspection specified documentation pertaining to the implementation of the and LMP;
- Failure to timely notify and submit incident and accident investigation report;

Contractors will be required to establish GM structures for the workplace. These will include identifying focal points and communication channels (for example, WhatsApp, SMS and email) within the company to address workers' concerns on an ongoing basis, and ensuring that such channels are safe and adequately resourced (for example, 24-hour staffing of the emergency response call line). Workers shall not be victimized in any way for reporting a grievance.

Primary supply workers

Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the project. Although suppliers may be sub-contracted by other implementers, the PIU has oversight on the implementation of the LMP requirements for this category. The objective of the procedure is to ensure that labour related risks to the project from primary supply workers are managed in line with the requirements of ESS2.

Procedure:

The PIU and all contractors/implementers will undertake the following measures:

- Procure supplies from legally and local constituted suppliers. A legal registration ensures that the company is legally obligated to comply with all applicable labour laws, which makes it possible to assume mainstreaming of the labour laws within the supplier's firm;
- Identify potential risks of serious safety issues which may arise in relation to primary suppliers.
- If there is a significant risk of serious safety issues related to primary supply workers, the PIU and all contractors/implementers will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.
- Check products quality certification and environmental rating of the materials used where required. This will done when necessary by conforming the quality approval form the relevant authority.
- Undertaking to take back waste for reuse, for example containers and packaging, where applicable.
- Possibility for training in safe use of product by community users where applicable.

Monitoring and reporting. The PIU shall report on the status of implementation of the above policies and procedures on a monthly basis. The PIU will closely monitor labor and occupational health and safety performance of the project and report to the World Bank on a quarterly basis.

Fatality and serious incidents. In the event of an occupational fatality or serious injury, the PIU shall report to the Bank as soon as becoming aware of such incidents, and inform the government authorities (where available) in accordance with national reporting requirements (Labour Code Article 102). Corrective actions shall be implemented in response to project-related incidents or accidents. The PIU or, where relevant the consultant, may conduct a root cause analysis for designing and implementing further corrective actions.

5 GRIEVANCE MECHANISM

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

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

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

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

on the project is involved the incident should be immediately reported to the National Program Manager who will provide further guidance after consulting with the World Bank.

Contractors and Primary Workers

The following actions will be used to manage complaints for this project among contractor and primary supply workers. Where contractors have an existing grievance system, their direct workers should use such a mechanism but this mechanism should be made known to the PIU as part of the documentation submitted on labour management.

- If the contractor has over 15 workers in site, he shall establish GM committees at the workplace comprised of representatives of the different work streams (management, employees, casuals, etc.) and assign a GM focal point (who will act as the secretary) to the Committee.
- The contacts of the GM focal point will be shared with the staff on recruitment and will be placed in common areas within the site.
- Contractors will induct the employee on the applicable workers' GM and on their rights. All records of induction shall be kept and made available for inspection by the PIU and/or the WB.
- Complaints should be sent to the GM focal point at the workplace by email, text, phone, letter or in person. The complaints should be collated into a complaints form and logged into the register.
- In case of a GBV related complaint, the worker will have a choice to report her/his complaint to a person of the same sex and as provided for in the GBV Prevention and Protection Plan.
- The GM Committee will review the complaints and provide guidance on the course of action and ensure follow-up on previous complaints. Any complaint by workers should be responded to within 7 working days upon receipt. If the complainant is dissatisfied, he/she can refer to the Project GM, contact the PIU or the WB Task Team.
- For complaints raised through alternative means, i.e. those raised through social media, print media or not formally lodged, the committee should deliberate upon them to decide whether to investigate based on the substance and potential impact including reputational risk.
- No disciplinary or legal action or retaliation of any kind, will be taken against any worker raising a complaint in good faith.
- In case of risk of retribution, the employee may immediately escalate to the PIU or the judicial system. If confidentiality is requested, the PMU will ensure this is done in order to avoid any risk of retribution, including in its follow-up actions.

A monthly report of complaints and the resolution status should be submitted to the PIU and the WB.

Project GM: the project will have several channels for complaints and grievances including email, phone calls, texts, and letter writing, and a toll-free line that will also be accessible to all workers. Information on

the project GRM will be made available to workers at all worksites, government offices (both Federal and State) and community level (mayor'soffice, for instance) to ensure that all workers have adequate information on how to lodge a complaint and who to direct it to. Confidentiality and whistle blower protection will be assured when handling workers' grievances (although admittedly it would be difficult to resolve the issue if the worker remains anonymous throughout the process).

| The Grievance Mechanism | | | |
|-------------------------------|--|---|---|
| The Direct workers | | Responsible Party | The completion time |
| 1. | Raise the complain with the Line Manager or to the PIU. | The aggrieved party | This should be done as soon as possible after the occurrence of an incident |
| 2 | Verify and address the issue | The line manager or PIU | Within 48 Hours from reporting time |
| 3 | Escalate the issue to the to project GM mechanism as per SEP | The line manager or PIU | Immediately after failing to resolve within the time 48 hours. |
| Contractor and Primary | | | |
| 1 | Raise the complain to the contact person | The aggrieved party | Immediately after the occurrence of an incident |
| 2 | the complaints and provide guidance on the course of action | The GM committee | 7 days from the date of receiving the complain |
| 3 | Escalating the complaint to the project GM | The aggrieved party | After receiving or not receiving feedback from the GM Committee. |
| Appeal Channels | | | |
| 1 | The Project GR | This is accessible to all project employees, consultants and government officials working on the project. | When the labour GM mechanism fails or there is lack of confidence in it |
| 2 | National Appeal services | All aggrieved persons | When the project GM fails, or when an aggrieved party feels comfortable seeking national redress. |

6 IMPLEMENTATION OF THE LMP

Management

The Project Implementation Units (PIUs). PIUs will be responsible for overall project management and coordination, including the compliance with safeguards requirements including on labor and working condition. The PIU will engage with consultant(s) with expertise in environmental, social, occupational health and safety issues. The PIUs will be responsible for the following tasks relevant to labor and working conditions:

- Undertake the overall implementation of this LMP.
- Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents.
- Monitor that field supervisors are meeting obligations towards enumerators as included in the LMP and the applicable Procurement Documents.
- Monitor the potential risks of forced labor and serious safety issues in relation to primary suppliers.
- Monitor training of relevant project workers.
- Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it.
- Monitoring the implementation of the Worker Code of Conduct.
- Report to the World Bank on labor and occupational health and safety performance.

Consultant. The PIUs assign a member to be responsible for monitoring the project and adherence to the E&S instruments. They will oversee the performance on labor and working conditions on a daily basis on behalf of the PIU. The Consultant if need be will employ qualified expert(s) for such oversight and report on performance to the PIU.

The designated member will be responsible for the following:

- Supervise their workers' adherence to the LMP.
- Maintain records of recruitment and employment of contracted workers (including subcontractors).
- Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issues.
- Require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues.

- Develop and implement the grievance mechanism for contracted workers, including ensuring that grievances received from their contracted workers resolved promptly, and reporting the status of grievances and resolutions.
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works and supervise compliance with the Code.
- Report to PIU on labor and occupational health and safety performance. Table: Summary of the project staff/entity responsible for various key responsibility areas

ANNEX 1

Guideline on Code of Conduct

1. A satisfactory code of conduct will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the ministries, the location and the project sector or to specific project requirements.
2. The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:
 - received a copy of the code;
 - had the code explained to them;
 - acknowledged that adherence to this Code of Conduct is a condition of employment; and
 - understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

Sample Codes of Conduct

This Section presents three Codes of Conduct for use:

- i. **Company Code of Conduct:** Commits the company to addressing EHS, OHS and GBV issues;
- ii. **Manager's Code of Conduct:** Commits managers to implementing the Company Code of Conduct, as well as those signed by individuals; and,
- iii. **Individual Code of Conduct:** Code of Conduct for everyone working on the project, including managers.

Company Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence

The company is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where Sexual Exploitation and Abuse (SEA) and sexual harassment have no place. Improper actions towards children, SEA and sexual harassment are acts of Gender Based Violence (GBV) and as such will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the company commits to the following core principles and minimum standards of behavior that will apply to all company employees, associates, and representatives, including sub-contractors and suppliers, without exception:

General

1. The company—and therefore all employees, associates, representatives, sub-contractors and suppliers—commits to complying with all relevant national laws, rules and regulations.
2. The company commits to full implementing its ‘Contractors Environmental and Social Management Plan’ (C-ESMP) as approved by the client.
3. The company commits to treating 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. Acts of GBV are in violation of this commitment.
4. The company shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behavior are prohibited among all company employees, associates, and its representatives, including sub-contractors and suppliers.
6. The company will follow all reasonable work instructions (including regarding environmental and social norms).
7. The company will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

Health and Safety

8. The company will ensure that the project’s OHS Management Plan is effectively implemented by company’s staff, as well as sub-contractors and suppliers.

9. The company will ensure that all persons on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents, and reporting conditions or practices that pose a safety hazard or threaten the environment.
10. The company will:
 - i. prohibit the use of alcohol during work activities.
 - ii. prohibit the use of narcotics or other substances which can impair faculties at all times.
11. The company will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.
12. The company will not hire children under the age of 18 for construction work, or allow them on the work site, due to the hazardous nature of construction sites.

Gender Based Violence

13. Acts of GBV constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment and, if appropriate, referral to the Police for further action.
14. All forms of GBV, are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.
15. Sexual harassment of work personnel and staff (e.g. making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature) are acts of GBV and are prohibited.
16. Sexual favors (e.g. making promises of favorable treatment such as promotions, threats of unfavorable treatment such as losing a job, payments in kind or in cash dependent on sexual acts) and any form of humiliating, degrading or exploitative behavior are prohibited.
17. The use of prostitution in any form at any time is strictly prohibited.
18. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
19. Unless there is full consent⁴ by all parties involved in the sexual act, sexual interactions between the company's employees (at any level) and members of the communities surrounding the work place are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered "non-consensual" within the scope of this Code.
20. In addition to company sanctions, legal prosecution of those who commit acts of GBV will be pursued if appropriate.
21. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV by a fellow worker, whether in the same company or not. Reports must be made in accordance with project's GBV Allegation Procedures.

⁴ **Consent:** refers to when an adult makes an informed choice to agree freely and voluntarily to do something. There is **no** consent when agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation; the use of a threat to withhold a benefit to which the person is already entitled, or; a promise made to the person to provide a benefit. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

22. Managers are required to report and act to address suspected or actual acts of GBV as they have a responsibility to uphold company commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively the company commits to:

23. Ensuring that all managers sign the project's 'Manager's Code of Conduct' detailing their responsibilities for implementing the company's commitments and enforcing the responsibilities in the 'Individual Code of Conduct'.
24. Ensuring that all employees sign the project's 'Individual Code of Conduct' confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV, child endangerment or abuse, or sexual harassment.
25. Displaying the Company and Individual Codes of Conduct prominently and in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
26. Ensuring that posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
27. Ensuring that an appropriate person is nominated as the company's 'Focal Point' for addressing GBV issues, including representing the company on the GBV Compliance Team (GCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local SEA Service Provider.
28. Ensuring that an effective GBV Action Plan is developed in consultation with the GCT which includes as a minimum:
 - i. **GBV Allegation Procedure** to report GBV issues through the project Grievance Redress Mechanism (Section 4.3 Action Plan);
 - ii. **Accountability Measures** to protect confidentiality of all involved (Section 4.4 Action Plan); and,
 - iii. **Response Protocol** applicable to GBV survivors and perpetrators (Section 4.7 Action Plan).
29. Ensuring that the company effectively implements the agreed final GBV Action Plan, providing feedback to the GCT for improvements and updates as appropriate.
30. Ensuring that all employees attend an induction training course prior to commencing work on site to ensure they are familiar with the company's commitments to ESHS and OHS standards, and the project's GBV Codes of Conduct.
31. Ensuring that all employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV Code of Conduct.

I do hereby acknowledge that I have read the foregoing Company Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV. I understand that any action inconsistent with this Company Code of Conduct or failure to act mandated by this Company Code of Conduct may result in disciplinary action.

Company name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Manager's Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence

The company is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The company is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where Sexual Exploitation and Abuse (SEA) and sexual harassment have no place. Improper actions towards children, SEA and sexual harassment are acts of Gender Based Violence (GBV) and as such will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

Managers at all levels have a responsibility to uphold the company's commitment. Managers need to support and promote the implementation of the Company Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and also to sign the Individual Code of Conduct. This commits them to supporting the implementation of the Contractor's Environmental and Social Management Plan (C-ESMP), the OHS Management Plan, and developing systems that facilitate the implementation of the GBV Action Plan.

Managers need to maintain a safe workplace, as well as a GBV-free environment at the workplace and in the local community. Their responsibilities to achieve this include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Company and Individual Codes of Conduct:
 - i. Prominently displaying the Company and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - ii. Ensuring all posted and distributed copies of the Company and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Company and Individual Codes of Conduct to all staff.
3. Ensure that:
 - i. All direct reports sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.

- ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager, the GBV Compliance Team (GCT), and the client.
 - iii. Participate in training and ensure that staff also participate as outlined below.
 - iv. Put in place a mechanism for staff to:
 - (a) report concerns on ESHS or OHS compliance; and,
 - (b) confidentially report GBV incidents through the Grievance Redress Mechanism (GRM)
 - v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV issues, emphasizing the staff's responsibility to the Company and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees nor ordinarily resident in the country where the works are taking place.
 5. Ensure that when engaging in partnership, sub-contractor, supplier or similar agreements, these agreements:
 - i. Incorporate the ESHS, OHS, GBV Codes of Conduct as an attachment.
 - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV, to investigate allegations thereof, or to take corrective actions when GBV has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
 6. Provide support and resources to the GCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV Action Plan.
 7. Ensure that any GBV complaint warranting Police action is reported to the Police, the client and the World Bank immediately.
 8. Report and act in accordance with the agreed response protocol any suspected or actual acts of GBV.
 9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately, non-major issues in accordance with the agreed reporting protocol.
 10. Ensure that children under the age of 18 are not present at the construction site, or engaged in any hazardous activities.

Training

11. The managers are responsible to:
 - i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-contractors and suppliers; and,
 - ii. Ensure that staff have a suitable understanding of the C-ESMP and are trained as appropriate to implement the C-ESMP requirements.
12. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the GBV Action Plan for addressing GBV issues.
13. Managers are required to attend and assist with the project facilitated monthly training courses for all employees. Managers will be required to introduce the trainings and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.

14. Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on:
 - i. OHS and ESHS; and,
 - ii. GBV required of all employees.
15. During civil works, ensure that staff attend ongoing OHS and ESHS training, as well as the monthly mandatory refresher training course required of all employees to on GBV.

Response

16. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.
17. Regarding GBV:
 - i. Provide input to the GBV Allegation Procedures and Response Protocol developed by the GCT as part of the final cleared GBV Action Plan.
 - ii. Once adopted by the Company, managers will uphold the Accountability Measures set forth in the GBV Action Plan to maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
 - iii. If a manager develops concerns or suspicions regarding any form of GBV by one of his/her direct reports, or by an employee working for another contractor on the same work site, s/he is required to report the case using the GRM.
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made by the GCT.
 - v. If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the Company and the GCT. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV issue warranting Police action is reported to the Police, the client and the World Bank immediately
18. Managers failing address ESHS or OHS incidents, or failing to report or comply with the GBV provisions may be subject to disciplinary measures, to be determined and enacted by the cCompany's CEO, Managing Director or equivalent highest-ranking manager. Those measures may 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.
19. Ultimately, failure to effectively respond to ESHS, OHS, and GBV cases on the work site by the company's managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and GBV requirements. I understand that any action inconsistent with this Manager's Code of Conduct or failure to act mandated by this Manager's Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Individual Code of Conduct

Implementing ESHS and OHS Standards

Preventing Gender Based Violence

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) is important.

The Company considers that failure to follow ESHS and OHS standards, or to partake in activities constituting GBV—be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit GBV may be pursued if appropriate.

I agree that while working on the project I will:

1. Consent to Police background check.
2. Attend and actively partake in training courses related to ESHS, OHS, and GBV as requested by my employer.
3. Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities.
4. Take all practical steps to implement the contractor's environmental and social management plan (C-ESMP).
5. Implement the OHS Management Plan.
6. Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
7. 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.
8. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
9. Not sexually exploit or abuse project beneficiaries and members of the surrounding communities.
10. Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is prohibited. E.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.

11. Not engage in sexual favors—for instance, making promises of favorable treatment (e.g. promotion), threats of unfavorable treatment (e.g. loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behavior.
12. Not use prostitution in any form at any time.
13. Not participate in sexual contact or activity with children under the age of 18—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.
14. Unless there is the full consent⁵ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.
15. Consider reporting through the GRM or to my manager any suspected or actual GBV by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

16. Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
17. Wherever possible, ensure that another adult is present when working in the proximity of children.
18. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
19. Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children's images for work related purposes” below).
20. Refrain from physical punishment or discipline of children.
21. Refrain from hiring children for domestic or other labor below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
22. Comply with all relevant local legislation, including labor laws in relation to child labor and World Bank’s safeguard policies on child labor and minimum age.
23. Take appropriate caution when photographing or filming children (See Annex 2 for details).

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

24. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.

⁵ **Consent** is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even if national legislation of the country into which the Code of Conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

25. 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.
26. 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.
27. Ensure images are honest representations of the context and the facts.
28. 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:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as GBV. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV 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 ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ANNEX II

Incident Report

Provides the minimum requirements for investigation, reporting and recording of incidents which result in injury or illness to a person, or damage to any property, in order to insure compliance with national regulations and the WBG general EHS guidelines; contract provisions, insurance policy requirements and to prevent recurrence. All incidents (fatal or serious injury) shall be investigated and reported within 24 hours to SNBS and reported to the World Bank within 5 days and recorded pursuant to the requirements of this section. The potential ESH incidents include, but are not limited to:

- OHS related incidents like slips, falls from heights;
- Fire emergency;
- Road accidents project affecting staff or contractors staff;
- Accidents at construction sites (e.g. a vehicle hitting a worker or a community member); and
- Security risks like banditry for project materials and equipment.

Incident Investigation

An investigation should be initiated immediately following any incident. The scene of the incident must be immediately secured so as to not damage or destroy evidence that may be necessary during the investigation. In general, the following information should be gathered and provided in written format using prepared Incident Report Form capturing the information captured in section L: Incident Report.

Determine the Root Cause

Conduct root-cause analysis of the incident and identify the sequence of events and factual circumstances. The analysis should identify what failing(s) led to the accident, what safety measures were in place, and the risk information/training provided to workers on site. The level of supervision of unskilled labour should also be assessed.

Recommend actions to be taken to rectify the failure(s) that led to the incident.

- Review the safety procedures at different sites and identify the health and safety measures to be taken to minimize the risks of future accidents both to workers and to local residents. Relevant site visits should be carried out to support the analysis. Health and safety representatives of the Contractors and implementing agencies, as well as other technical counterparts, as necessary, should be interviewed to gain a comprehensive understanding about health and safety management.
- Review the OHS measures in safeguards instruments and plans in construction contracts and recommend enhancements as needed. The assessment should identify the existing procedures for safe performance of construction activities (excavation, scaffolding, working at heights, welding, etc.) and should recommend appropriate procedures should the existing ones have gaps.
- Review the capacity of contractors and supervision consultants to implement OHS standards. The assessment should review the training plans for skilled and unskilled labour for effectiveness and propose improvements to the training and communication program so that workers are adequately guided to safely perform their work.
- Review the existing arrangements for recruiting labour and what type of insurance (life or injuries and occupational health risks) and compensations are provided.

- Review compliance to the Labour Law and other international treaties by contractors and/or sub-contractors.
- Assess the sufficiency of the measures that the contractors take to minimize risk on the local communities and communicate with them. Recommend improvements as necessary.

Determining Corrective Actions

Once the real root cause and all contributory factors are identified, the next step is to use the Hierarchy of Health and Safety Controls to identify appropriate corrective action. The single most important outcome that results from an incident is the implementation of an affective, high-level safety control that eliminates the possibility of the incident recurring. Design the SCAP and discuss with the Bank, including actions, responsibilities and timelines for implementation, and a Borrower monitoring program. All project workers shall be required to fully abide by the CoC in compliance with the project LMP.

The Incident Report

The Incident Report should be 1 – 2 pages and include, at a minimum, the following information:

- Country, Name of Project, Project Number, Name of TTL and E&S specialists assigned to the team
- Preliminary classification of the incident
- What was the incident? What happened? To what or to whom?
- Where and when did the incident occur?
- When and how did we find out about it?
- Are the basic facts of the incident clear and uncontested, or are there conflicting versions? What are those versions?
- What were the conditions or circumstances under which the incident occurred (if known at this stage)?
- Is the incident still ongoing or is it contained?
- Is loss of life or severe harm involved?
- Is the Borrower aware of the incident? What is the Borrower's response to date?
- What measures have been or are being implemented by the Borrower/Contractor?

NB: Classifying the incident will guide decisions as to who in the Bank should be informed, and what resources are needed to understand the incident and support the Borrower in addressing the underlying cause(s). Classification must be done as rapidly as possible, so that the Bank is able to respond to the incident within a reasonable timeframe. The incident should be classified within 48 hours of receipt of the information, within 24 hours will be preferable if possible. If it cannot be fully classified due to missing information, then a preliminary classification should be provided and confirmed as details become available. The classification is based on several factors, including the nature and scope of the incident, as well as the urgency in which a response may be required. There are three levels of classification: Indicative, Serious and Severe.

Indicative: relatively minor and small-scale localized incident that negatively impacts a small geographical areas or small number of people.

Serious: an incident that caused or may potentially cause significant harm to the environment, workers, communities, or natural or cultural resources.

Severe: any fatality or incidents that caused or may cause great harm to the environment, workers, communities, or natural or cultural resources.