

FEDERAL REPUBLIC OF SOMALIA



Additional Financing of the Somali Recurrent Cost Reform Finance Project III
(P177900)

Labor Management Procedures (LMP)

FINAL VERSION

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I. INTRODUCTION

The Recurrent Cost Reform Finance (RCRF) Project became effective in 2014 and a second phase of RCRF became effective in July 2015 and is currently expected to close in June 2022. The Project Development Objective (PDO) of the RCRF is **to support the Federal Government of Somalia and Eligible Federal Member States to strengthen resource management systems, the inter-governmental fiscal framework, and service delivery systems in health and education.** The Federal Government of Somalia (FGS) has requested additional funds to enable scale up of activities through June 2024. The initial RCRF project focused on Banadir, Galmudug and Puntland States. RCRF 2 has already expanded to two more states and RCRF 3 is intending to expand to the rest of the states in Somalia. In addition to system strengthening and capacity building, the focus has been on bringing the existing cadre of health and education workers onto the government payroll, initially in high density urban areas. For RCRF 3, further expansion of staffing will include need and equity considerations.

The project is run out of the Ministry of Finance and will finance dedicated staff to cover project coordination and management, administration, monitoring and evaluation, financial management, procurement, social safeguards, gender-based violence (GBV) prevention and communications. It will be implemented in coordination with the Ministries of Health and Education who will have dedicated social and environmental specialists funded under other World Bank Projects at the federal and state levels. The project will ensure compliance with national law requirements as well as World Bank guidelines regarding the COVID-19 situation, in particular “ESF/Safeguards Interim Note: COVID-19 Considerations in Construction/Civil Works Projects”, April 7, 2020.

This document outlines a proposed Labor Management Procedures (LMP) that sets out the way in which project workers will be managed in accordance with the requirements of national law and Environmental and Social Standards (ESS) of the World Bank Environmental and Social Framework (ESF), addresses the way in which the ESS applies to different types of project workers including direct workers, contracted workers and primary supply workers, and provides a clear understanding of what is required to manage specific labor issues. The LMP is a living document to facilitate project planning, preparation, and implementation, and may be adjusted as the project advances and as new categories of employees become involved in the various activities. The LMP is consistent World Bank’s Environment and Social Standards: Labor and Working Conditions (ESS2), and describes the labor management procedures that seek to address potential labor risks, through undertaking, but not limited to, the following key mitigation measures:

- a. Occupational, health and safety (OHS) measures;
- b. Emergency preparedness and response;
- c. Project workers training; and incorporation of relevant provisions of LMP into procurement documents.

In addition, in line with the provisions of ESS2, the LMP includes a worker grievance mechanism for direct and contracted project workers, including through confidential channels for Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH), to raise workplace concerns.

PROJECT COMPONENTS

Component 1: Recurrent cost finance to reform resource management systems

This component will continue to finance the civil service wage bill through input-based or “baseline” financing and PBCs.

Subcomponent 1.1. Financing eligible civil service salaries in FGS: Baseline

The AF will provide, on a declining basis, input-based financing of the FGS non-security sector civil service wage up to December 2025. AF target will be to decrease the RCRF share of financing FGS civil service wage bill through the advance-replenishment model from the current 20 percent to 10 percent by 2025. In parallel, the focus will be on responding to the weaknesses in the RCRF-supported payrolls, such as input controls, inconsistent digitization, weak adjustments, and exceptions handling, as well as broader issues with Human Resource Management (HRM) and accountability, including time and attendance.

Financing of the FGS Capacity Injection Mechanism (CIM) recruits will not be continued under the AF in line with the initial plan of graduating CIM recruits under the Capacity Injection Project (P149971), which closes on December 31, 2022. Starting January 2022, CIM salaries are fully sourced from the FGS own revenue, except for the External Assistance Fiduciary Sections (EAFS) staff salaries that will continue to be sourced from the parent project's Subcomponent 1.1 until December 2022. FGS has agreed that CIM staff will no longer be 'branded' as such, their salaries will be planned as part of the government's standard salary allocations for all civil servants, and there will be no future replacement of vacancies left by CIM staff.

Subcomponent 1.2. Financing eligible civil service salaries in FGS: Reform benchmarks (PBCs)

The AF aims to expand the scope of PBCs and increase financing from up to US\$6.3 million to US\$21.5 million through reimbursement against eligible expenditures. The revised set of PBCs will center on six key areas:

PBC 1. Strengthen domestic revenue administration: The PBC title is revised from "strengthening customs administration" to "strengthening domestic revenue administration" to reflect the inclusion of reforms on inland revenue management. In addition to two original benchmarks on customs administration, three new benchmarks are added on the procurement of a vendor to develop and implement an Integrated Tax Administration System (ITAS), the harmonization of Tax Identification Number (TIN), and ITAS implementation. The implementation of PBC 1 will be supported by FCDO and SERP.

PBC 2. Strengthen the payment process for operational expenditures and payroll. The PBC title is revised to include improvements in payroll management. A new benchmark on the implementation of comprehensive payment procedures is added together with three new benchmarks related to the conduction of a special audit on the payroll processes, development of recommendations to strengthen the payroll weaknesses, and their implementation by the MoF. The implementation of PBC 2 will be supported by SERP.

PBC 3. Strengthen inter-governmental fiscal relations. New benchmarks on the implementation of the unified chart of account (UCoA) and publication of monthly fiscal reports using the new UCoA at the six-digit level are added to incentivize harmonization efforts in budget preparation and accounting.

PBC 4. Strengthen FGS transfers to FMS. The original benchmarks were revised to allow the calculation of the FGS transfers' outturn rate for the whole year and not the half-year to better capture the flow of FGS transfers.

PBC 5. Strengthen public administration. New benchmarks on the implementation of the pension reform, pay and grading system, as well as enhancing the role of women in leadership positions in the civil service are added. The implementation of PBC 5 will be supported by FCDO and SERP.

PBC 6. Wage bill management. A new PBC is added to increase transparency and improve management of the FGS wage bill.

The proposed reform benchmarks are deliberately relatively granular in nature. This is because systems reform progress at the FGS level has, in recent years, taken advantage of short-term windows of opportunity. The reforms selected as benchmarks are linked to the ongoing portfolio of World Bank projects, as well as the IMF ECF, and represent key intermediary reform steps.

Disbursements against PBCs can be made only if sufficient qualifying eligible expenditures have been incurred, referred to as the Eligible Expenditure Program (EEP). The EEP is comprised of the FGS non-security sector civil servants wage bill, as provided in the annual Appropriation Act, plus eligible salaries of teachers in the Benadir region managed by FGS, net of RCRF share of financing and exceptions identified by the MA (table 3).

Component 2: Strengthen intergovernmental fiscal relations

Subcomponent 2.1. Supporting inter-governmental fiscal forums and Secretariat

The AF will provide support to the fiscal federalism agenda and federal entities. Specifically, the AF will continue support of the IGFF and Secretariat as well as to sectoral (health, education) intergovernmental forums. It will also provide technical assistance for analytical outputs in the areas of fiscal transfers, a revenue sharing formula, functional decentralization in service delivery. As SERP provides technical assistance on the harmonization of PFM and DRM systems between FGS and the FMS, a key priority for the RCRF will be to reinforce communication and coordination between the FGS and the FMS for strengthened intergovernmental fiscal relations. Support to the intergovernmental dialogue platform on civil service reforms initiated under the RCRF will be taken up by SERP to avoid duplication of activities and ensure stronger technical assistance support to the harmonization agenda.

Subcomponent 2.2. Reform benchmarks for improved governance and service delivery at the FMS level (PBCs)

FMS-level PBCs are revised. Three service-delivery PBCs (formerly PBCs 6, 7, and 8) are now regrouped into two PBCs (PBCs 7 and 8), their verification protocols are streamlined, and greater focus is placed on intergovernmental transfers and functional assignments. Originally designed FMS level PBCs were cumbersome and required extensive documentation, at times duplicative. A new PBC 9 is added to incentivize FMS-level achievements and harmonization efforts in PFM and DRM to support reforms to be implemented under SERP. Emphasis on improved service delivery due to climate-related illnesses and events is also added for health and education service delivery.

A step-by-step and iterative approach to FMS-level reform benchmarks will be applied weighing the benefits and risks. Several lessons learned have been considered in revising the PBCs. First, FMS still have limited capacities and understanding of the PBC-based financing mechanism. Second, launching new initiatives (such as performance-based school grants program) through PB financing without project allocations to support design, piloting, and expansion have proved challenging; the approach has been revisited to ensure adequate levels of technical assistance in the implementation of FMS PBCs. Finally, additional measures to increase accountability and transparency in the use of PB financing are required and should be aligned with SERP support. PBCs to the FMS and transfers will be earmarked to strengthen the use of funds for the purpose intended, increase transparency, and limit/avoid wastage in the fiscally stressed environments of the respective FMS. PBC 7 will finance the implementation of annual community health service delivery plans and FHW program, which will be monitored through the relevant budgetary appropriations, submission of the health service delivery plans, and implementation and financial reports. PBC 8 will finance salaries of teachers, non-teacher education staff, and non-salary recurrent costs of education ministries. FMS will be required to provide a detailed plan for financing such expenditures as stipulated in POM to avoid double dipping from Component 3.2. PBC 9 will finance strategic staffing needs to be identified under the SERP, keeping in mind wage bill and fiscal stress implications, as well as

eligible non-salary recurrent costs (NSRC). A detailed financing plan will need to be submitted in accordance with POM.

The wage bill for FGS non-security sector civil servants and Benadir Regional Administration (BRA) teacher salaries will continue to form the EEP for FMS level PBCs. A co-financing arrangement for FMS civil servants and teacher salaries will be pursued, and once agreed, the FMS civil servant wage bill and FMS teacher salaries may be included in the EEP.

Subcomponent 2.3. Strengthening resource management systems

Subcomponent 2.3 of the parent project is revised and activities to be financed by the AF have been aligned with the upcoming SERP and the PREMIS phase two project funded by the FCDO. Several originally planned activities in the areas of capacity building in PFM for FMS ministries, departments, and agencies (MDAs), harmonizing PFM and DRM legislation, and improving automatic fiscal data sharing between FGS and FMS are excluded from RCRF support, as these activities will continue under the SERP. Support to developing the institutional capabilities of FMS MDAs will be focused on the ministries of finance, health and education in the areas of finance, accounting and financial reporting, procurement, human resources and internal audit. Subcomponent 2.3 will support the Office of the Accountant General (OAG) in developing OAGs in FMS, assessing needs for professionalization and training for the government's accounting cadres, developing a three-year strategic plan, and maintaining strategic regional partnerships. The subcomponent will also finance FMS EAFS salaries and their professionalization with emphasis given to training around the linkages between PFM and DRM to enhance budget execution and resilience during climate change induced disasters. The subcomponent will also support building up expertise and sharing experiences across the World Bank's operations in the health and education sectors in Somalia. FMS social/gender-based violence (GBV) specialist positions and their travel, community mobilization, and monitoring activities will be financed from this subcomponent. The expertise and knowledge exchange will help to enhance health and education service delivery, particularly when they are interrupted because of climate-induced events.

Subcomponent 2.4. Supporting local governance within FMS

A new subcomponent to support the local governance agenda within FMS is being added. While further engagement with FGS and the FMS will be required, preliminary areas of support, complementing the needs of the growing Bank urban-focused investments, include: (i) fostering intra-FMS dialogue with and capacity building of municipal/district governments selected in accordance with criteria set forth in the POM on functional (health and education) and fiscal decentralization; (ii) funding technical assistance on the implementation of property taxation, which may include urban property surveys, property registers, and property tax revenue sharing arrangements in selected FMS; (iii) building capacity of fit-for-purpose PFM and payroll systems in selected municipalities/districts; (iv) promoting citizen engagement at all levels of government per demand; and (v) advising on mechanisms to enable emergency financing in response to climate-related and other disasters. The potential for implementing a district grants program will be explored. This subcomponent will be carried out in close coordination with the United Nations' JPLG Program and United Nations Community Development Fund.

Component 3: Transfers for core government functions and foundational education and health service delivery mechanisms in eligible FMS

Subcomponent 3.1. Financing core government functions

This AF will provide financing of FMS recurrent costs. The subcomponent, through transfers from the FGS to FMS, will continue financing (a) non-salary recurrent costs, (b) salaries and allowances of Eligible Civil Servants

(excluding elected officials) in selected MDAs, and (b) strengthening the institutional capacity of eligible FMS MoFs capacity to manage donor funds in selected MDAs.

The AF will continue leveraging the participation eligibility criteria for incentivizing the transparency of financial reporting. Fiscal reporting eligibility criteria in POM will be revisited to emphasize the quality and consistency of fiscal reporting and its automation in line with the broader harmonized CoA and reporting dialogue. The criteria will also be expanded to promote basic system strengthening, including fiscal transparency, basic payroll, and PFM controls, as well as to secure the reforms achieved.

Subcomponent 3.2. Financing education service delivery

The AF will continue supporting the FGS and the FMS education ministries to strengthen their core systems for delivering and managing education services. RCRF AF will continue financing teacher salaries, non-teacher education staff, and other recurrent expenses in FMS/BRA. The structure of teacher salaries in each FMS/BRA and their funding sources will be continuously revised while considering fiscal affordability and improved access to education for less advantaged children in communities most vulnerable to climate change. A scale-up of teacher financing may be considered only in FMS that are ready to include teacher and non-teacher education staff salaries in EEP and to provide co-financing. In close coordination with SERP, which proposes to support sustainable and efficient planning, budget allocations, expenditure management, and HRM in FGS/FMS, RCRF will continue to support system strengthening activities through improvements in HR policies and payroll management processes and by incentivizing the participation of women in the teacher cadre through participation eligibility criteria and other tools as stipulated in the POM.

The parent project's plans to pilot a performance-based school grants program are dropped to avoid fragmentation of World Bank support. The Education for Human Capital Development Project, which became effective on December 24, 2021, intends to finance school grants to enable newly constructed schools to meet recurrent expenditures and ensure the schools maintain conducive learning environments and do not impose fees for disadvantaged children. Considering that the education project is better positioned to implement the performance-based school grants by leveraging economies of scale through technical assistance and building the capacities of FMS, head teachers, and community education committees to implement, administer, and provide oversight to the grants program, RCRF will no longer support the performance-based grants program. There was no disbursement made against the performance-based school program from the parent project, therefore it is now excluded from the disbursement category 2 of the Financing Agreement.

RCRF will closely coordinate with the education project (P172434) to ensure that RCRF-financed teachers benefit from the teacher professional development program, improve their teaching quality, and raise their students' outcomes. RCRF will continue financing school supervision activities between now and December 2023, but the technical design will be supported by the education project to ensure interlinkages with the school grants program and other activities envisaged under the education project. While continuing RCRF financing of school supervision, the emphasis will be on using digital tools, reporting by head teachers, encouraging self-assessment, reducing costs for sustainability, and incorporating climate change mitigation and resilience assessment into the school supervision checklist. Digital data reporting and self-assessment will increasingly replace physical supervision visits, minimize operational disruptions caused by climate-induced events, including flooding, and decrease long-distance travel by half, thus contributing to reduced greenhouse gas (GHG) emissions, which are in line with the revised Nationally Determined Contributions (NDC) targets of 30 percent.

Subcomponent 3.3. Financing health service delivery

The AF will support the scale-up of the ‘Marwo Caafimaad’ Female Health Worker (FHW) program with government-led delivery. With around 900 FHWs recruited and trained, and the ambition of reaching 3,000 FHWs across Somalia by 2025, the AF will support enhanced FMS capacities in the FHW program management, improved data collection and analysis, data linkage with Health Management and Information System (HMIS), increased cost-efficiency in supportive supervision activities, and improved training materials based on lessons learned. Since communities served by FHWs often suffer from climate-related events and are more susceptible to cholera and other water-borne illnesses, a special training component will be developed to sensitize FHWs on climate-change risks and mitigation measures at the community level. Through extensive household-level digital data collection, FHWs will generate knowledge on the spread of climate-induced diseases and will help identify vulnerable communities at risk of severe illness and death because of floods and cyclones. This subcomponent will leverage the data collected to help inform vulnerability maps and identify the most appropriate locations to deploy FHW when climate-induced disasters occur.

In locations where the Damal Caafimaad project is implemented, the FHWs will be integrated into the health programs for purposes of training, support, supervision, and monitoring. The NGOs contracted by the Damal Caafimaad to deliver essential packages of health services in those specific regions will have additional oversight, wherever needed, for the FHWs and supervisors under their jurisdiction to provide ongoing mentorship and training, supervision and reporting, and provision of essential supplies. An independent MA procured under the Damal Caafimaad project will also support the FHW verification and validation processes. Continuous monitoring of FHW program results and mid-term impact evaluation will provide insights into the program’s effectiveness and inform policy decisions regarding future expansion of government-led community health programs across Somalia.

Community health plans financed through PBCs will also be expanded to support last-mile service delivery and increase budget allocations to the health sector. Service delivery transfer agreements signed between the FGS and FMS will be further strengthened and reoriented toward functional assignments in health service delivery. With regard to service delivery at the community level, the project will prioritize areas where health indicators are lagging, especially in uptake of modern family planning methods and childhood immunization, and where communities have been affected by climate-related events.

Substantial progress has been achieved in promoting the use of digital tools to improve the performance of the FHW program. Going forward, the focus will be on building FGS and FMS Ministry of Health (MoH) capacities in ensuring uptake of energy efficient digital tools, developing and implementing day-to-day performance metrics, and using information to enhance the program’s planning. To ensure integrity and transparency of performance and investments into the program and to improve delivery of services to Somali citizens, no new FHW/FHS will be recruited and deployed in any state or the BRA unless the digital performance management, data collection, and training tools (and a system of pharmaceutical procurement and supplies), with standards developed by FGS, are fully deployed to and in use by existing staff.

Based on lessons learned from the previous iteration of the FHW program, the scale-up ambition and pace, as well as implementation support arrangements are being revisited (see Annex 1 for a detailed description of implementation challenges). Given capacity constraints, no more than 600 new FHW/FHS will be selected, trained, and deployed annually. The role of a Health Technical Partner (HTP) will be limited to four key functions – verification of FHW and salary payments, provision of medical supplies, training, and data management. Going forward, alternative solutions for the procurement and distribution of medical supplies through a United Nations system and verification of FHW/FHS by an Independent Verification Agent will be tested. Linking FHWs to the national health systems will be prioritized.

Component 4: Citizen engagement and feedback

The AF will continue the parent project's budget transparency activities beyond June 2023. Specifically, the AF will support public participation in budget development and scrutiny of execution by facilitating public hearings and by capturing citizen feedback on budget execution at the community level. In addition to dissemination of budget data and reports, the AF will stimulate use of this information by supporting the development of quarterly policy briefs on the budget by a Somali think tank; holding of public hearings by the MoF and Parliament that include the private sector, CSOs, academia, and vulnerable groups, including those most susceptible to climate-related disasters and diseases; and training for media to read and analyze budget reports and a workshop to develop related media content. Budget transparency and citizen engagement activities will be closely coordinated with the SERP. The AF will lead budget transparency efforts at the FGS level with mass media promotion and beneficiary engagement with talk shows, public service announcements, and targeted messaging on social media that will be coupled with more analog channels such as radio shows, billboards, and public events to address the digital divide. A communications strategy outlining audience segmentation, objectives and desired outcomes, and channels for implementation will be developed and implemented. SERP will focus on FMS key budget documentation, parliamentary scrutiny, citizens' budgets, and engagement of citizens in the budgeting process and will be able to learn from the experience of the FGS.

The parent project's activities in promoting citizenry participation in service delivery at community level are reoriented from mapping and stakeholder analysis to the implementation and roll out. The services of a Mogadishu-based Citizen Engagement Center (CEC) established under the parent project will be used for establishing a two-way communication with selected service providers and service recipients for collecting feedback, verification of service delivery, behavior change, and promoting community compacts between users/beneficiaries and service providers. The CEC will also help inform citizens, including pregnant women, of the level of services they should expect and subsequently develop a level of accountability. The AF will focus on institutionalizing citizen engagement initiatives across ministries of finance, health, and education at the national and federal levels to make it a truly government owned, managed, and led activity. A new results indicator is added that measures the number of beneficiaries contacted, feedback received, government response/corrective measures taken and reported closing the feedback loop.

Component 5: Project Management

Project management and implementation modalities will largely remain unchanged. Due to the upcoming closure of the DRM & PFM Project (P151492) in June 2022, the PFM Reform Coordination Unit, which served as an implementation support unit for both RCRF and DRM & P FM projects, is reorganized into the RCRF Project Implementation Unit (PIU). At the FMS level, project managers financed under the education project will support RCRF activities and their linkages with the education project. As noted earlier, the parent project's requirement is for the FGS to select and engage verification consultant(s) to assist the OAuG in preparing the PBC verification reports. As the DRM & PFM project that financed a verification consultant is closing, the AF will finance such a consultant going forward. Regular policy and technical level discussions will be encouraged, in line with POM requirements, to review the status of PBCs semi-annually, agree on reform actions, and ensure timely completion of benchmarks, with reports submitted to the FGS Minister of Finance and the World Bank. Enhanced emphasis in project management at all levels will be on climate risks as well as environmental and social standards to be jointly financed through subcomponent 2.3 and component 5.

II. OVERVIEW OF LABOR USE ON THE PROJECT

ESS2 categorizes workers as direct workers, contracted workers, community workers and primary supply workers.

Direct Workers: People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project.¹ These include people employed by Ministry of Finance, Education and Health to implement the project components as ‘technical consultants’. Direct workers will be subject to the full requirements of ESS2.

Contracted workers: *People employed or engaged by third parties to perform work related to core functions of the project, regardless of location.*² These included: staff of contracted agencies for example, the health technical partner, to be contracted to support the implementation of the FHW component and those employed by the independent verification partner. Contracted workers will be subject to the full requirements of ESS2.

Primary supply workers. People employed or engaged by the Borrower’s primary suppliers (suppliers who on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the project).³ These may include suppliers of the essential drugs, supplies and equipment needed for the EPHS kits and infection prevention and control, as well as other ongoing supplies to the project. Suppliers must demonstrate that they are meeting the requirements regarding child labor, forced labor and serious safety concerns.

Civil Servants: Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement unless there has been an effective legal transfer of their employment or engagement to the project.⁴ ESS2 will not apply to such government civil servants, except for child and forced labor requirements and OHS requirements (including security and SH/SEA). This applies to all civil servants funded under the project including teachers, as well as the female health workers. The likely number of civil servants funded under the RCRF 3 over the life of the project are given in Table 1 below:

Table 1: Number of workers funded under the project

Project Workers	Female	Male	Total
Teachers	572	3181	3753
FHWs and FHS	944	0	944
FGS civil servants – inc EAFS staff	1376	3859	5235
FMS civil servants	192	715	907
Direct project workers	11	46	57
Contractor staff	30	71	101

Community workers: Community workers are community members whose labor is provided as a contribution to the project, or to foster community-driven development etc. The project will have no community workers as defined under ESS2.

¹ Para 3a, ESS2, World Bank Environmental and Social Framework

² Para 3b, ESS2, World Bank Environmental and Social Framework

³ Para 3c, ESS2, World Bank Environmental and Social Framework

⁴ Para 8, ESS2, World Bank Environmental and Social Framework

III. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Potential risks are those related to labor and working conditions, such as work-related discrimination, sexual exploitation, abuse and harassment (SEAH) and other forms of gender-based violence (GBV), occupational health and safety (OHS), and security risks. The PIU will assess and address these risks by employing a security risk management consultant to assess and implement measures to manage the security risks of the Project, including the risks of engaging security personnel to safeguard project workers, sites, assets, and activities, as set out in a Security Risk Assessment and Security Management Plan using the principles of proportionality and GIIP, and by applicable law, in relation to hiring, rules of conduct, training, equipping, and monitoring of such personnel. A security risk assessment and management plan and guidelines will be developed before involvement of any public or private security personnel, and implemented throughout Project implementation. Appropriate mitigation measures to address such risks will be incorporated into procurement documents. The following are key labor risks expected during the implementation of the project:

Occupational health and safety (OHS) risks: The primary risk to worker safety is health-related and due to the potential for exposure to infectious diseases such as Covid-19 and HIV/AIDs as well as security risks in the workplace or travelling to carry out their work.

Child and forced labor are a potential risk particularly in the suppliers workers, including those that supply medical kits and electronic tablets for the FHWs. These suppliers will be screened and monitored periodically. Civil servants and other contractors already have an above 18 years and written contract requirement in line with the civil servant legislation and labour law.

Sexual exploitation, abuse and harassment (SEA/SH) and gender discrimination: Female workers may be subject to SEA/SH in the recruitment or retention process given men dominate the hiring management in most if not all government offices. Given the weak capacity of the government to enforce rules against discriminatory practices in the workplace, the potential is acute for women. In the stakeholder consultations undertaken to develop the ESMF, women reported instances where teachers were fired after becoming pregnant and civil servants experience unwanted sexual overtures from their male supervisors and colleagues. Sexual harassment and other forms of abusive behavior by workers could compromise the safety and wellbeing of workers and their ability to perform their functions.

Labor disputes over terms and conditions of employment. Labor disputes are common in Somalia. Likely causes for labor disputes include: demand for limited employment opportunities; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. In turn, there is also a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or other grievances raised, and such situations could lead to labor unrest. In the stakeholder consultations undertaken to develop the ESMF, women reported instances where teachers were fired after falling pregnant and civil servants experience unwanted sexual overtures from their male supervisors and colleagues. In addition, public buildings from which civil servants, teachers and healthcare staff work from are rarely configured to allow access to those who require wheelchairs for movement.

Discrimination and exclusion of vulnerable groups. Vulnerable and marginalized groups of people may be subject to increased risk of exclusion from employment opportunities under the project unless the project incorporates specific mitigation measures. Such groups include women, the elderly, ethnic minority groups including persons from minority clans and groups, IDPs, female-headed households, and persons with disabilities. Public buildings

from which civil servants, teachers and healthcare staff work from may not have adequate facilities for women and are rarely configured to allow access to those who require wheelchairs for movement.

Security risks. With the ever-present threats of outbreaks of communal conflict and Al-Shabaab attacks frequently targeting government and other strategic infrastructure and gatherings in urban areas, the security risk for the project workers is substantial. This is a particularly acute risk for health and education workers in high-risk areas and high-density urban areas which are frequently targeted, e.g., Mogadishu. It is expected that security risks will vary over time, but currently it is particularly critical in areas controlled by Al Shabaab, e.g., parts of Jubaland and Hirshabelle or during upticks in political crises. A security risk assessment and management plan will be developed and implemented for the project.

IV. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

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

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

The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. The Labor Code of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers: contracts of employment, terms and conditions, remuneration, and occupational health and safety, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas and is applicable to all workers. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law Number 11).⁵

The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While five States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection.

Below is the list of relevant provisions of the Labor Code with regard to terms and conditions of work, in particular to wages, deductions, and benefits:

Content of individual contract of employment (Article 46)

Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract.

Notice for termination of contract (Article 50)

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

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

Not less than 30 days in the case of non-manual workers;

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

Minimum wages (Article 72)

⁵ The Labor Code was reviewed with support from ILO and a 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 Labor could not predict the likely timeframe for the Parliamentary approval, and advised that the existing Labor Code (1972) shall continue to be applicable until revised code becomes the law. Consultation with State's Labor Ministries also have confirmed that they follow the national Labor Code in administration of Labor matters in their States.

Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of Article 72), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labor Commission, and with the approval of the Council of Secretaries.

Hours of work (Articles 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 percent of the normal remuneration.

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.

Annual leave (Article 97)

Workers shall be entitled to 30 days leave with pay for every year of continuous service.

An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

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.

Deductions from remuneration (Article 82)

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

Death benefit (Article 53)

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

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 pay.

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.

V. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The Labor Code covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labor Code with regard to OHS:

Protection against possible risks (Article 101)

All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:

- a. Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health;
- b. Take suitable measures to prevent contamination of workplaces from toxic gases, vapours, dust, fumes, mists and other emanations;
- c. Provide sufficient and suitable toilet and washing facilities, separate for 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 accidents, occupational diseases and other risks inherent in their occupations;
- k. Post up in conspicuous parts of the workplace's 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.

The law does not explicitly include the right of workers to remove themselves from dangerous work situations without employer reprisal.

Notification of industrial accidents and occupational diseases (Article 102)

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

Medical facilities (Article 103)

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

Conveyance of injured and sick workers (Article 104)

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

The Revised Draft Somalia Labor 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 Labor Code and any other Labor law to the extent that they regulate safety, health and welfare in the workplaces. Part VI of the Revised Draft Labor Code covers the administration of occupational accidents, injury and disease provisions at workplace,

employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses and penalties, etc.

In the absence of a fully adopted revised Somalia Labor Code and functioning implementation mechanisms (oversight bodies and courts), the ability of the government to adequately adjudicate the provisions in the LMP is constrained. The Civil Service Commission is able to address the complaints of civil service workers that are limited to unfair dismissals. Through the LMP, the government will identify gaps between ESS2 requirements and legislation and its implementation so that these can be promoted as part of the project through appropriate technical assistance.

VI. BRIEF OVERVIEW OF LABOR LEGISLATION: DISCRIMINATION AND ABUSE

Somalia's Provisional Constitution provides that "all workers, particularly women, have a special right of protection from sexual abuse, segregation and discrimination in the workplace. Every Labor law and practice shall comply with gender equality in the workplace" (Articles 24 and 25). The following is the relevant provisions in the Labor Code:

Expecting and nursing mothers (Article 91)

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

The cessation of the activity of the undertaking in which the woman worker is employed;

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.

Below is the list of provisions of the Labor Code with regards to child labor and forced labor:

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.

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:

Pupils attending public and state-supervised trade schools or non-profit-making training workshops;

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.

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.

Freedom of Labor (Article 6)

Forced or compulsory labor is forbidden in any form.

VII. BRIEF OVERVIEW OF WORLD BANK GUIDANCE

World Bank guidelines on OHS requirements: Measures relating to occupational health and safety will be applied to the project. The OHS measures will include the requirements of this LMP and will take into account the General Environmental Health and Safety Guidelines (EHSGs) and, as appropriate, the industry specific EHSGs and other Good International Industry Practice (GIIP). The OHS measures applying to the project will be set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP).

World Bank standards relating to non-discrimination and equal opportunity: In line with ESS2 and other World Bank guidance, decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination on the basis of personal characteristics unrelated to inherent job requirements, with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. Codes of conduct for all workers will include measures to prevent and address harassment, intimidation, and/or exploitation and receive orientation on the same.

World Bank standards in relation to addressing vulnerabilities in specific groups of project workers: The Borrower will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children (of working age in accordance with this ESS). Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker and the nature of the vulnerability.

World Bank standards in relation to child labor: A child over the Somali national minimum age of 15 and under the age of 18 may be employed or engaged in connection with the project only under the following specific conditions:

- (a) the work is not hazardous or will not interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development;
- (b) an appropriate risk assessment is conducted prior to the work commencing; and
- (c) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirements of this ESS.

VIII. GAP ANALYSIS BETWEEN ESS2 AND SOMALIA LABOR LAWS

Table 2 compares the World Banks' Environmental and social framework labor requirements with national laws and provides recommended actions:

ESF Labor and Working Conditions	National Laws and Requirements	Gaps including in implementation	Recommended Actions
The Objectives of ESS 2 are: a. To promote safety and health at work. b. To promote the fair treatment, non-discrimination and equal opportunity of project workers. c. To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate. d. To prevent the use of all forms of forced labor and child labor. e. To support the principles of freedom of association and	Provisional Constitution of the Federal Republic of Somalia. Article 14 stipulates that a person may not be subjected to slavery, servitude, trafficking, or forced labor for any purpose.	The new labor code, amending the code from 1972, has not been passed yet. The implementation of the existing articles in practice may not be very strong.	The Project will carefully monitor the implementation of ESS2 requirements. Forced labour will be prevented by requiring written contracts and regular payments in line with the labour laws.
	Article 24.5 stipulates that all workers, particularly women, have a special right to protection from sexual abuse, segregation and discrimination in the workplace. Every labor law and practice shall comply with gender equality in the workplace. The Puntland Sexual Offences Act 2016 prohibits sexual harassment. Human trafficking: A person may not be subjected to slavery, servitude, trafficking or forced Labor offences. Every Labor law shall comply with gender equality. Dismissal for pregnancy. All women have a special right of protection from discrimination.	The national law does not include the right of workers to remove themselves from dangerous work situations without employer reprisal.	The LMP spells out a workers' grievance redress mechanism; and the SEAH Prevention and Response action plan provides information on referral pathways for cases of GBV (see annexes)
	The Labor Code of 1972 stipulates that all contracts of employment must include a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and d) the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent labor inspector for pre-approval.	n/a	The project will implement a workers' grievance mechanism to redress workplace concerns. See Section XIII.

ESF Labor and Working Conditions	National Laws and Requirements	Gaps including in implementation	Recommended Actions
collective bargaining of project workers in a manner consistent with national law. f. To provide project workers with accessible means to raise workplace concerns.	The Labor Code of 1972. The employer is obligated to provide adequate measures for health & safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances.	n/a	The Project will apply occupational health and safety management system that is consistent with the IFC General Environmental Health and Safety Guidelines (EHSs) on Occupational Health and Safety
	The Labor Code of 1972. Workers have the right to submit complaints and the employer must give the complaints due consideration.	n/a	The project will implement a workers' grievance mechanism to facilitate redress of workplace concerns. See Section XIII.
	The Labor Code of 1972. Remuneration must be adequate in view of the quality and quantity of the work delivered and must be non-discriminatory in regard to age, gender and other aspects. The maximum number of working hours per week are 8 hours per day and 6 days per week.	Women are restricted from being employed in night work, and the specific types of work prohibited for women may be prescribed by decree. No provisions on the protection of the rights of domestic workers	The Project will fully comply with the national law and WB ESS 2. Any complaints that emerged through the workers grievance mechanism will be addressed.
	The Labor Code of 1972. Some work is considered dangerous and unhealthy and forbidden for women and youth (defined as 15-18 years of age). This includes the carrying of heavy weights or work at night.	n/a	The Project will only allow deployment from the age of 18.

ESF Labor and Working Conditions	National Laws and Requirements	Gaps including in implementation	Recommended Actions
	The Labor Code of 1972. The Labor Code forbids work for children below the age of 12, but allows employment of children between the age of 12-15, yet employment has to be compatible with proper protection, health and the moral of children.	Children are deployed in worst forms of child labor (forced recruitment by army, forced labor in domestic work, agriculture and herding, breaking rocks for gravel, construction work, commercial sexual exploitations) However, Somalia made efforts to construct a rehabilitation center for former child combatants and establish a Human Trafficking and Smuggling Task Force. Children are further deployed in agriculture (farming, herding livestock, fishing); industry (construction, mining and quarrying); services (street work, working as maids in hotels, domestic work, voluntary recruitment of children by army); children also perform dangerous tasks in street work Laws do not identify hazardous occupations or activities prohibited for children, and child trafficking for labor and commercial sexual exploitation is not criminally prohibited. Government does not employ labor inspectors and conducts no inspections.	The Project will only allow deployment – in all project worker categories – from the age of 18. During the hiring process, careful scrutiny will be employed in the review of documentation that establishes one’s age and medical and other testimony will be used where documentation is absent.
	The Labor Code of 1972. The Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions.	n/a	The project will follow national laws and ESS 2 which requires that the project to support the principles of freedom of association and collective bargaining of workers in a manner consistent with national law.

IX. RESPONSIBLE STAFF

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

- a. Promote and ensure the overall implementation of this LMP, including training and orientation of FMS PMTs and MoH and MoE counterparts, and ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 in relation to the management of their workers.
- b. Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents.
- c. Monitor to ensure that field supervisors are meeting obligations towards staff as included in the LMP and the applicable Procurement Documents.
- d. Monitor the potential risks of child labor, forced labor, SEAH prevention and serious safety issues in relation to contractors and primary suppliers.
- e. Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it.
- f. Promote implementation and ensure monitoring of labor and occupational health and safety performance.
- g. Report to the World Bank on the implementation of the LMP every 6 months.

The PIU will have social and environmental specialists who understand the content and application of the ESF, including ESS2, and who will be responsible for promoting implementation of the LMP and OHS requirements within the project. The project manager and entire PIU has responsibility for supporting the social specialists to facilitate the implementation of these components which are integral to the project. The PIU and the social specialists will be responsible for the following:

- a. Supervise workers' adherence to the LMP;
- b. Maintain records of recruitment and employment of contracted workers (including sub-contractors);
- c. Provide induction and regular training to direct and contracted workers and where appropriate the workers engaged by primary suppliers, on environmental, social and OHS issues;
- d. Require primary supplier(s) to identify and address risks of child labor, forced labor and serious safety issues and undertake due diligence to ensure such risks are identified and addressed;
- e. Develop and implement the Grievance Mechanism (GM) for direct and contracted workers, including ensuring that grievances received from the contracted workers are resolved promptly (and if requested confidentially), and report the status of grievances and resolutions regularly to the PIU and World Bank;
- f. Ensure all direct hire workers, including consultants, as well as workers engaged through contractors and primary suppliers understand and sign the CoC prior to the commencement of works and supervise compliance with the CoC;
- g. Ensure the abbreviated CoC is translated to the local language and displayed in all project supported facilities (Annex 2); and
- h. Report to the PIU on labor and OHS performance.

Table 3: Summary of the project staff/entity responsible for various key responsibility areas

Responsibility area	Direct workers/contracted workers	Primary supply workers	Civil servants
Hiring and managing individual project workers	MoF to engage/manage PIU consultants ensuring non-discrimination and equal opportunity and awareness raising on gender and ethnic discrimination.	n/a	n/a
OHS	OHS measures including SEA/H and security guidance will be included in CoCs and training of all direct workers and contracts for contracted staff.	The PIU will ensure that primary supply workers demonstrate that they are meeting child labor, forced labor, SEAH prevention and safety requirements.	OHS measures including SEA/H and security guidance will be included in CoC and orientation of all civil servants.
Child labor and forced labor	Age requirements and prevention of forced labour will be included in contracts.		PIU will monitor child and forced labor requirements.
Training on code of conduct and other provisions	Training and regular orientation of project workers will be required on the CoC, OHS, GBV prevention and security guidelines.		Regular orientation of project workers will be required on the CoC, OHS, GBV prevention and security guidelines.
Code of conduct	OHS measures including SEAH and security guidance will be included in the CoC.		OHS measures including SEA/H and security guidance will be included in the CoC.
Grievance mechanism	A separate workers grievance mechanism and guideline is required.		Civil servants will follow government procedures for grievances or raise them with the project GM.
Monitoring and reporting	FGS and FMS social specialists to monitor and report quarterly to World Bank on LMP implementation	Primary suppliers will confirm with the PIU every 6 months that they are meeting child labor, forced labor and safety requirements. PIU to monitor and report to World Bank.	PIU to monitor and report to World Bank every quarter.

X. POLICIES AND PROCEDURES

The following OHS procedures, monitoring and reporting arrangements are:

Occupational health and safety (OHS). Pursuant to the relevant provisions of the National Labor Code (Articles 101-104), ESS2, including WBG Environmental, Health and Safety Guidelines (EHSGs), and WB standard procurement documents, the overseeing Ministry, as well as the Ministries of Health and Education, 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 will include (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities. This will include safety and security protocols as well as risks of exposure to infectious diseases including COVID-19, the provision of personal protective equipment (PPE) and taking measures to stop the spread. The project will ensure compliance with national law requirements as well as World Bank guidelines regarding COVID-19.

Child labor. The minimum age for workers employed/engaged in relation to the project is set at 18. To prevent the engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. All ministries where staff will be fully or partially paid through the project are required to maintain labor registry of all contracted workers with age verification.

Labor disputes over terms and conditions of employment. The project will have grievance mechanisms for direct workers and contractors will be required to have a grievance mechanism for contracted workers, to address their workplace grievances promptly. Further, the project will respect the project workers' right of labor unions and freedom of association.

Discrimination and exclusion of vulnerable groups. The employment of project workers under the project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination based on personal characteristics unrelated to inherent job requirements with respect to any aspects of the employment relationship, such as relating to recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. Stakeholder consultations highlighted a lack of equity and inclusion in government recruitment processes. The project shall comply with the national Labor Code on gender equality in the workplace, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate for men and women workers.

Security risks. Considering substantial security risks in some parts of the country, the project will develop and roll out a guideline to ensure appropriate security measures are in place to minimize the potential risk to civil servants paid by the project and direct workers. Contractors will be required to have security procedures in place for their workers and report any serious incidents to the PIU within 48 hours; otherwise their contracts may be terminated. Key security measures may include security protection by security personnel (such as by district police) to prevent terrorist attacks on individuals and government facilities; restrictions on work hours where security risks are higher (such as night-time); and measures to maintain low profile of workers. More detailed measures will be developed in a security guideline as part of the security management plan that is under development, with close consultation with relevant security authorities and should be regularly reviewed and updated by the PIU in consultation with the appropriate security authorities. Safety of workers alongside other labor-management procedures will be explicit in all contracts and bidding documents and due diligence of the independent verification agent; the health technical partner and other contractors should be carried out to ensure that they observe the LMP.

GBV/SEAH incidents. Given the context of fragility, conflict and violence in Somalia, sexual harassment, exploitation and abuse of co-workers and survey respondents is a moderate risk. Thus, all project workers and government civil servants will be required to sign a code of conduct outlining expected standards of behavior in this regard and attend regular awareness sessions on the same including the consequences of such actions. In addition, staff and GM focal points will receive guidance on handling complaints of GBV/SEAH incidents including ensuring utmost confidentiality, following the wishes of the survivor in raising the complaint and referring the survivor to supportive GBV services. All staff and GM focal points should be informed that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision. They should not under any circumstances try to investigate or refer the issue without explicit agreement of the survivor. If the complainant thinks a worker on the project is involved the incident or is unsure, the GM focal point should report the incident immediately to the Head of the PIU who will provide further guidance after consulting with the World Bank. Such incidents should be reported to the World Bank within 72 hours.

Monitoring and reporting. The PIU shall report to the Bank on the status of implementation of the above policies and procedures on a quarterly 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 (ESIRT, November 2018) and inform the government authorities (where available) in accordance with national reporting requirements (Labor 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.

XI. AGE OF EMPLOYMENT

As presented above, the FGS Labor Code (Article 94) provides that the minimum age for employment on underground work in quarries or mines shall be 18 years. While the national Labor Code allows persons under 18 and over 15 to engage with work with non-hazardous nature, it is appropriate for the project to take a precautionary approach, considering the limited capacity for monitoring and risk management in the fragile operational environment and inadequate national labor inspection mechanism. The minimum age for workers employed/engaged in relation to the project is set at 18. No one under 18 years of age will be employed/engaged in relation to the project.

The PIU will undertake monitoring, at a minimum every six months, of all workers, to ensure that all contractors, and primary suppliers engaged in relation to the project are not employing/engaging anyone under 18 years of age for work in relation to the project. The project will use the following process, prior to the employment or engagement of an applicant for work on the project, to verify the person's age. The PIU will ensure that each contractor, subcontractor, and primary supplier also uses this process and provides the PIU with written confirmation that each worker they employ or engage in relation to the project is at least the minimum age of 18 years. Information confirming the minimum age for each worker engaged/employed in relation to the project will be kept on file at the PIU. Below is an indicative age verification means that could be used in Somalia context where official ID system is broadly unavailable:

- a. Check the birthday on official documents such as birth certificate, national ID or other credible records, where available;
- b. Obtain written confirmation from the medical practitioner, nor
- c. Inquire with the local community leader, community action group or with other credible community sources.

If a person under the minimum age of 18 years is discovered working in relation to the project, the PIU will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.

To ensure that the best interests of the child under 18 years are considered, the PIU will undertake, and ensure that all contractors, subcontractors and primary suppliers also undertake, remediation within a reasonable time period agreeable to the World Bank. The remediation activities could include, among other options:

- a. enrolling the child in a vocational training/apprenticeship program, but which does not interfere with the child's completion of compulsory school attendance under national law.
- b. employment of a member of the child's family, who is at least 18 years of age, by the primary supplier, contractor, or subcontractor for project-related or other work.

XII. TERMS AND CONDITIONS FOR PROJECT WORKERS

Project workers: The terms and conditions for direct workers will be governed by the contracts with the PIU and contracted workers with their employees. Short-term, temporary staff will not have maternity or annual leave etc. Their terms and conditions will be based on a specific assignment to be completed within a certain period at a pay rate per day or household etc. These terms and conditions will be discussed at recruitment and before training commences and a code of conduct signed. The Labor Code of Somalia presented in Section V (Overview of Labor Legislation) above is the guiding legislation on employment terms and conditions for all workers. The Federal Ministry of Labor in Mogadishu have confirmed that they generally follow provisions of Labor Code for all matters related to labor engagement and management. Below are key components of the terms and conditions that should be applied to project workers under the project:⁶

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

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

Minimum wages: While the mechanism to set the official minimum wage by Presidential decree (Labor Code, Article 72) is not currently functioning, the market rate is available for each job type in different localities. Fair market rate have be identified and applied for project workers in line with the civil service rates.

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

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

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

Maternity leave: A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be

⁶ While there are other provisions applicable to labor engagement in Labor Code (for example, "fringe benefit" under Article73), the applicability of such provisions will be reviewed during the contracting stage, when the approach to work implementation is better understood.

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

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

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

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

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

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

XIII. GRIEVANCE MECHANISM

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

The grievance mechanism will be proportionate to the nature and scale and the potential risks and impacts of the project. It will be designed to address concerns promptly, using an understandable and transparent process that provides timely feedback to those concerned in a language they understand, without any retribution, and will operate in an independent and objective manner. The grievance mechanism may utilize existing grievance mechanisms, providing that they are properly designed and implemented, address concerns promptly, and are readily accessible to such project workers. Existing grievance mechanisms may be supplemented as needed with project-specific arrangements.

Typical work-place grievances include fair and equal opportunity for employment; labor wages rates and delays of payment; disagreements 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 enabling to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential. Confidentiality should be safeguarded if requested to ensure safety and freedom of workers that lodged complaints and whistle blower protection provided for. The PIU will investigate any suspected breach of confidentiality.

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

Project workers: Project staff at the FMS and FGS level will be encouraged to raise concerns with their immediate supervisor or the Project Coordinator (FGS) or Project Manager (FMS) in the first instance. However if the concern relates to the project, they can also raise it via the social specialists at the FGS level who will forward to the Project manager for resolution in conjunction with the project GRC.

GM for contractors workers: For all contractors including the Health Technical Partner, the call centre and the NGO implementing the citizen engagement component in Puntland and other contractors, a workers GM will be required and included in bidding documents and contracts. If the contractor does not have a grievance mechanism in place for contracted workers, the direct workers' grievance mechanism will be made available to them.

World Bank Grievance Mechanism

If a complaint about the project or serious labour complaints (such as forced labour, child labour, or OHS incidents including SEAH) has been raised with the NPIU, and no satisfactory response has been received, complaints from workers can be raised with the World Bank Somalia office via email to somaliaalert@worldbank.org

World Bank Washington Office: If no satisfactory resolution has been received from the World Bank Country office, grievances can be raised with the World Bank Office in Washington. For more information: <http://www.worldbank.org/grs>, email: grievances@worldbank.org

Or

The World Bank
Grievance Redress Service (GRS)
MSN MC 10-1018
1818 H St NW
Washington, DC 20433, USA
Email: grievances@worldbank.org
Fax: +1 – 202 – 614 – 7313

Complaints may be submitted by mail, fax, e-mail, or hand delivery to the World Bank headquarters or any World Bank country office.

World Bank's Inspection Panel: Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. www.inspectionpanel.org

Project Workers' Grievance Redress Procedure

a. Objectives of the procedure

The objective of this procedure is to settle the grievance between project workers and their employees or between employees bilaterally before the intervention of the formal court, except in cases where the grievance constitutes a criminal offense that requires notification of the law enforcement agencies.

b. Procedure

- a. A code of conduct should be developed and translated into Somali. (see example in Annex 1).
- b. All project workers should receive an orientation on the code of conduct and the workers GM and sign a code of conduct outlining their rights and responsibilities regarding OHS requirements (including security protocols and SH/SEA prevention). All records of induction shall be kept and made available for inspection by the PIU or the World Bank.
- c. In case of violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest.
- d. The supervisor will verify the details and seek to address the matter within the shortest time up to 48 hours.
- e. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found.

- f. Where no resolution is found, the employee can escalate the matter to the sector specific institutions or PIU GM or courts.
- g. Where the formal courts are not accessible, do not exist in an area, or cannot render a judgment, the matter shall be reported to and handled by the PIU, for example through the Project Grievance Redress Mechanism (GRM). The PIU, in this case, will accommodate a fair agreement between the worker and the employer.
- h. The Contractor shall keep records of all proceedings of grievance redress that are within its jurisdiction and furnish the PIU as part of the periodic progress reporting to the PIU.
- i. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the GBV/SEA prevention and response Action Plan referral pathways and complaints resolution mechanism.
- j. In case of risk of retribution, the employee may immediately escalate to the court system [6] or to the PIU as noted under [7]. If confidentiality is requested, the PIU will ensure it to avoid any risk of retribution, including in its follow-up actions.

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. Serious complaints raised through the GM, including GBV cases (sexual exploitation and abuse, sexual harassment, rape, child marriage of a learner, other types of GBV, etc.) will be addressed immediately by referring the GBV survivors to support services as per the GBV Referral Pathway.

GBV/SEAH cases should be reported to the the PIU GBV Advisor, via a confidential SMS or email address (rcrfgenderunit@gmail.com) or can be forwarded from the the general Project GM – identified project focal points, staff handling the call centres, or through the GM Hotline Operator, who will be trained in receiving and referral of such cases and confidentiality clauses.

The RCRF project has designated the GBV Advisor as the Focal Person at the Federal level under the Ministry of Finance. Each FMS also identified 1 Grievance Focal Person (the social safeguard specialist) and 1 focal point from the female health workers (FHW Supervisor) and teachers in each project location. In line with the survivor-centered approach, the grievance recipient to whom an allegation is disclosed will provide a safe, caring, and supportive environment. This means being non-judgmental, empathetic, and compassionate, including providing encouragement, alleviating feelings of shame and guilt, and demonstrating emotional support to the survivor while clarifying relevant information. It also means respecting confidentiality and the wishes of the survivor.

Once a case has been taken in by a GM operator or via the identified focal points, informed consent of the survivor is obtained to proceed with the case, the case file/information will be submitted to the RCRF GBV Advisor. The GBV Advisor will ensure that the survivor has been provided with all necessary GBV referral services and will ensure that the survivor is safe.

All reporting will limit information according to the survivor's wishes regarding confidentiality. If the survivor agrees on further reporting, information will be shared only on a need-to-know-base, avoiding all information that may lead to the survivor's identification of any potential risk of retribution.

Data on GBV cases recorded will include only: the nature of the complaint (what the complainant says in her/his own words), whether the complainant believes the perpetrator was related to the project and additional demographic data, such as age and gender, will be collected and reported, with informed consent from the survivor.

Where the RCRF project worker has allegedly committed the GBV/SEAH grievance, the case will be reported to the respective employing agency (HTP, sub-contractor, government Ministry of Education and Health). The PIU GBV Advisor will follow up and determine jointly with a specially constituted “SEAH Committee”, the GBV Specialists from the Ministry of Health and Education, Health technical partner (HTP) GBV focal points, and sub-contractors on the GBV/SEAH allegations related to the RCRF project. The GBV Advisor will follow up and ensure that the Code of Conduct violation is handled appropriately according to the sanctions as indicated in the individual CoC. These sanctions may include oral, written warning, loss of salary, suspension from employment, termination of employment and report to the police if warranted.

Table 4 The process/timeline for addressing general complaints for this project:

	Steps to address the grievance	Indicative timeline*	Responsibility
1	Receive, register and acknowledge complaint in writing.	Within two days	Social specialists at FGS or FMS level
2	Screen and establish the basis of the grievance; Where the complaint cannot be accepted (for example, complaints that are not related to the project), the reason for the rejection should be clearly explained to the complainant and where possible referred to the relevant authorities/stakeholders.	Within one week	Social specialists at FGS or FMS level
3	Program manager together with relevant PIU members, and Social/GBV specialist to consider ways to address the complaint or refer to the GRC.	Within one week	Program manager supported by PIU.
4	Decide and implement case resolution and feedback to the complainant	Within 2 weeks	GRC/Program manager with support from social specialist
5	Feedback progress on complaints resolution to PIU/GRC.	Within 21 days	Program manager supported by PIU.
6	Elevation of the case to a national judiciary system, if complainant so wishes.	Anytime	The complainant
* If this timeline cannot be met, the complainant will be informed in writing that the GRC requires additional time.			SS/GBV specialist, GRC supported by PIU

XIV. CONTRACTOR MANAGEMENT

Selection of Contractors: RCRF 3 will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and occupational, health and safety requirements. The FGS MoF PMT shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and a reliable entity and able to comply with the relevant requirements under the LMP. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the FGS MoF PMT may review the following information:

- Business licenses, registrations, permits, and approvals;
- Public records, for example, corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations
- Documents relating to the contractor’s labor management system and OHS system (e.g., HR manuals, security procedures, GBV prevention procedures and reporting protocols, safety program);

- Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions).

Contractual Provisions and Non-Compliance Remedies: The FGS PMT shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10% of payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works). In the case of subcontracting, the PMT will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors. If serious incidents are not reported within 48 hours or security measures are not in place, that is grounds for immediate contract suspension.

Performance Monitoring: The FGS-MoF PMT shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The PMT will ensure that the contract with the consultants (and the third-party monitor, where applicable) explicitly set out their monitoring responsibility for the contractor's performance on labor and working conditions on a daily basis. The monitoring may include: inspections and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following:

- Representative samples of employment contracts and signed code of conducts;
- Grievances received from the community and workers and their resolution;
- Reports relating to serious incidents and implementation of corrective actions;
- Security and safety protocols and evidence of compliance monitoring and corrective measures;
- Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and
- Records of trainings provided for contracted workers to explain occupational health and safety risks and preventive measures.

XV. PRIMARY SUPPLY WORKERS

Selection of primary suppliers: When sourcing primary suppliers, the project will require identification of the risk of child labor/forced labor and risk of serious incidents. Due diligence will be carried out and explicit provisions will be given in the contract including reporting of serious incidents within 48 hours, which will be grounds for contract termination if not complied with.

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

ANNEX 1: INDICATIVE BUDGET AND SUMMARY ACTIONS TO IMPLEMENT THE LMP

Action	Deadline	Approx. budget (\$)	Who responsible
Development and roll out of security guidelines for civil servants and direct workers	December 2022	30,000	PIU at FMS and FGS levels in conjunction with a consultant
Development and roll out of codes of conduct for direct workers (all ESS 2 requirements) and other workers (OHS requirements, including security and GBV prevention).	December 2022	90,000	PIU at FMS and FGS levels in conjunction with a consultant
Printing, dissemination, training and signing of codes of conduct, including security and GBV protocols and GMs.	December 2022	60,000	PIU at FMS and FGS levels/social specialist
Development of guidelines and activation of project workers GM	December 2022	9,200	PIU at FMS and FGS levels/social specialist
Include GM, OHS, GBV and ESIRT requirements in all contractors bidding documents and contracts and carry out due diligence and monitoring	Before they are funded by the project	No cost implication.	PIU at FMS and FGS levels /Procurement
Virtual and actual quarterly monitoring and reporting of all aspects of LMP compliance by FGS and FMS social specialists	Every 3 months	Specialists will do it. No need for a separate cost	PIU at FMS and FGS levels/FGS and FMS social specialists

ANNEX 2: INDIVIDUAL CODE OF CONDUCT FOR PROJECT WORKERS⁷

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

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

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- b. Follow my employers' guidance on prevention of the spread of infectious diseases, including Covid19;
- c. Follow my employers' guidance on security and safety including not causing conflict or exposing myself, other colleagues, stakeholders, including community members, project facilities or assets to risks;
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status.
- e. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- f. Not participate in sexual contact or activity with children (anyone age 18 or under)– including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- g. Not engage in any form of sexual harassment to a co-worker - for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior, e.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life, etc. Sexual harassment constitutes acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- h. Not engage in any form of sexual exploitation or abuse – for instance, exchanging money, employment, goods or services for sex or sexual favors, or making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior. This includes any project-related assistance due to community members. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal.
- i. Report through the Reporting Mechanism or to my manager any suspected or actual GBV or VAC by a fellow worker, whether employed by my organization or not, or any breaches of this Code of Conduct.

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

With regard to children under the age of 18:

- a. Wherever possible, ensure that another adult is present when working in the proximity of children.
- b. Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.

⁷ Similar code of conducts may be adapted for supervisors or contractors or primary suppliers and civil servants.

- c. Use any computers, mobile phones, video and digital cameras appropriately, and never exploit or harass children or access child pornographic material through any medium (see also "Use of children's images for work related purposes" below).
- d. Refrain from physical punishment or discipline of children.
- e. Refrain from hiring children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or places them at significant risk of injury.
- f. Comply with all relevant local legislation, including labor laws in relation to child labor.

Use of children's images for work related purposes

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

- a. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images.
- b. 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.
- c. 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.
- d. Ensure images are honest representations of the context and the facts.
- e. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

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

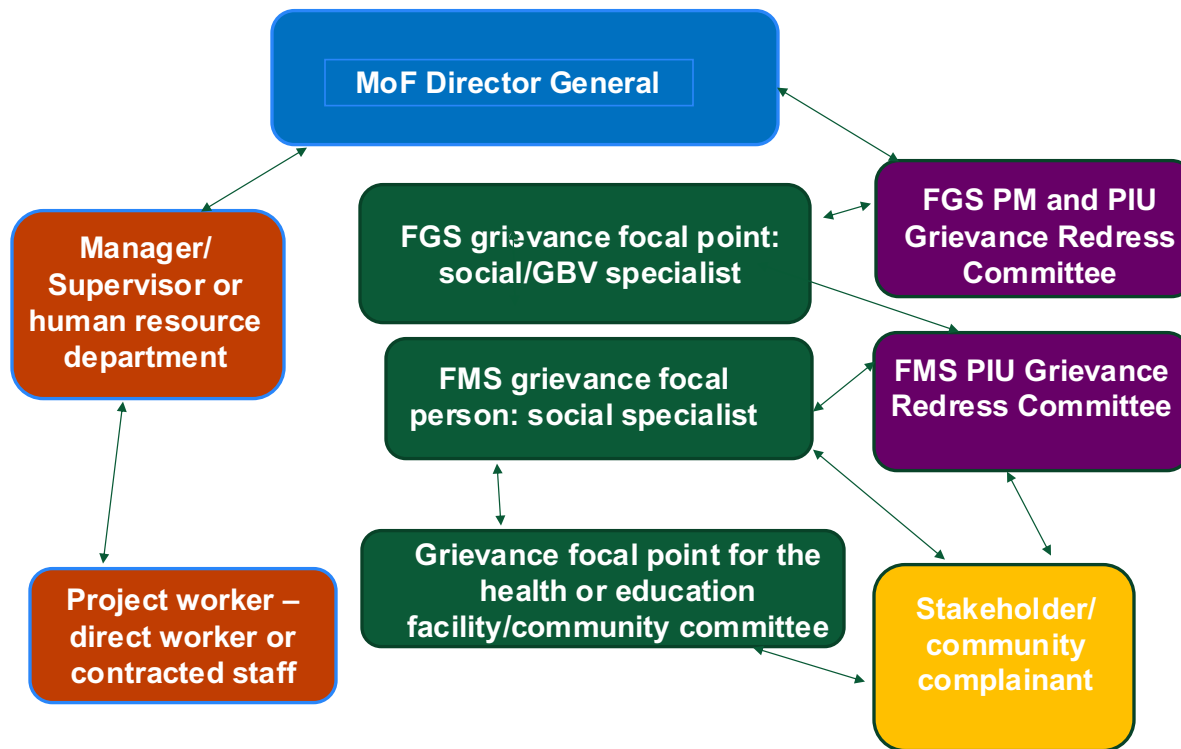
- I. Oral warning;
- II. Written warning;
- III. Additional training;
- IV. Loss of up to one week's salary;
- V. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
- VI. Termination of employment; and
- VII. Report to the police if warranted.

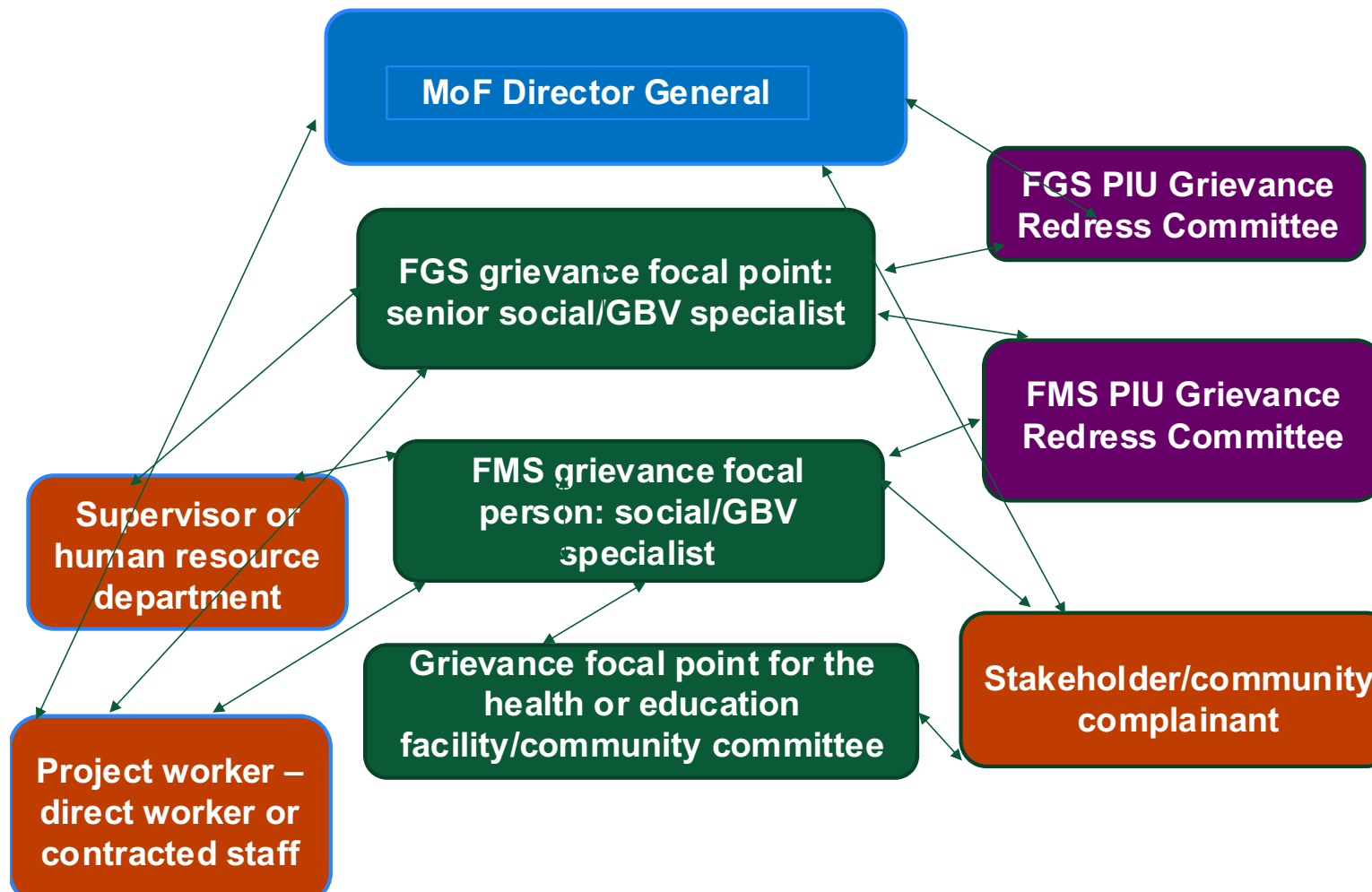
I hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code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

Signature: _____ Name _____

Title: _____ Date: _____

ANNEX 3: FLOW DIAGRAM OF GRIEVANCE REDRESS MECHANISM FOR PROJECT AS WELL AS PROJECT WORKERS





ANNEX 4: COMPLAINTS REGISTRATION FORM (to be translated into Somali)

1. Complainant's Details

Full name or Reference number (if confidentiality requested):

Male/Female _____

Mobile _____

Email _____

District _____

Relationship to the project _____

Age (in years): _____

2. Which institution or officer/person are you complaining about?
Ministry/department/agency/company/group/person

3. Have you reported this matter to any other public institution/ public official?

☐ Yes ☐ No

4. If yes, which one?

5. Has this matter been the subject of court proceedings?

☐ YES ☐ NO

6. Please give a brief summary of your complaint and attach all supporting documents [Note to indicate all the particulars of *what* happened, *where* it happened, *when* it happened and by *whom*]

7. What action would you want to be taken?

8. Have you received feedback are you satisfied with the outcome?

Signature _____

Date _____

ANNEX 5: COMPLAINTS LOG

Date and how received	Date acknowledged and how	Name and contact or reference number (if confidential)	Nature of complaint	Who referred to and how resolved	Date resolved	Feedback given to complainant and agreement and date	Suggestions to prevent similar issues/complaints in future

ANNEX 6: COMPLAINTS REPORTING TEMPLATE

District:

Position:

Name:

3-month period (start and end dates)	No. of complaints received	Main mode complaint lodged (email, telephone no/WhatsApp/in person, letter)	No. of complaints resolved (pending)	Main type of complaint	Duration taken to resolve, e.g. spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system and project improvement

ANNEX 7: TERMS OF REFERENCE: SECURITY RISK MANAGEMENT SUPPORT TO THE RECURRENT COST REFORM FINANCE PROJECT

1. Background

The World Bank-funded Recurrent Cost Reform Finance (RCRF) Project became effective in 2014. A second phase of RCRF became effective in July 2015 and is currently expected to close in June 2022. The Project Development Objective (PDO) of the RCRF is **to support the Federal Government of Somalia (FGS) and Eligible Federal Member States (FMS) to strengthen resource management systems, the inter-governmental fiscal framework, and service delivery systems in health and education.**

The Federal Government of Somalia (FGS) has requested additional funds (AF) to enable scale up of activities through to June 2024. The initial RCRF project focused on Banadir, Galmudug and Puntland States. RCRF II has already expanded to two more states and RCRF III is intending to expand to the rest of the states in Somalia. In addition to system strengthening and capacity building, the focus has been on bringing the existing cadre of health and education workers onto the government payroll, initially in high density urban areas. For RCRF III, further expansion of staffing, will include need and equity considerations.

The project is run out of the Federal Ministry of Finance (FMoF) and is financing dedicated staff to cover project coordination and management, administration, monitoring and evaluation, financial management, procurement, social safeguards (including security risk management) gender-based violence (GBV) prevention and communications. It will be implemented in coordination with the Ministries of Health and Education who will have dedicated social and environmental specialists funded under other World Bank Projects at the federal and state levels.

Considering substantial security risks in some parts of the country, a consultant is being sought to support the PIU to develop a security management plan which will contain guidelines and protocols to ensure appropriate measures are in place to mitigate the potential and actual human security risks to project workers and communities as a result of the project and set up a security management system to ensure the guideline is followed. The consultant will also conduct a project security risk assessment (SRA); and develop a project security management plan (SMP) and security risk management measures for the entire project in preparation for the Additional Financing clearance.

1. The security guidelines will initially focus on developing web based travel clearance and protocols as well as develop and maintain good understanding of the security situation, risks and threats for project workers including use of security forces (in line with the Directive for the Assessment and use of security forces); reviewing security arrangements for events and advise physical improvements to premises/offices, as well as emergency protocols (for security and medical emergencies related to security if any), and communication trees (including whom to contact, and how to contact them) and review of the contractors' security management systems
2. Once approved the security guidelines will be rolled out to all the FMS's by training of staff and security focal points in all FMS offices, if any, and setting up security information systems and communication protocols.
3. Development of security risk assessment (SRA) and security management plan (SMP) for the entire project including the AF for World Bank approval. This will include measure to improve security of civil servants funded by the project and the other project activities including the citizen engagement component and the improving security in schools as part of the schools grants program.

If it is possible to develop the security risk assessment and security management plan before the development of the guideline, without delaying the implementation of basic security measures and protocols this would be ideal.

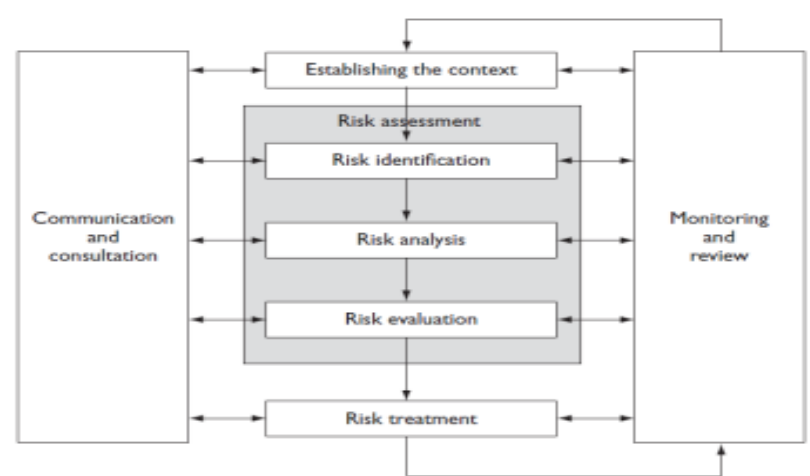
2. Objectives and Scope of Work

The objectives of this consultancy are:

1. To develop a suite of security risk prevention and mitigation protocols (fire prevention safety plans) to guide specific project activities wherein project workers, can be expected to be exposed to security risks. Providing basic security requirements that the project expects to be in place in each project location where staff travel to or are based in. The security protocols should be collated into a security management guidelines document that will be administered by the Project Security Focal Point. (See Chapter 5.2.b). All SRA and mitigation processes, including Security Protocols, shall be compliant with the World Bank's ESF and good international industry practice (GIIP) per ISO 31000, *Risk Management – Principles and Guidelines (2018)*.
2. Develop implementation arrangements of gender sensitive and responsive security risk management measures to prevent and/or mitigate of likelihood events
3. To train project staff and contractors and adequately equip Project Managers and security focal points to institute the security guidelines by training project workers and security protocols and set up functioning systems for their implementation.
4. Develop a security risk management system to support the safety and welfare of the staff and asset and conduct residential training to effectively apply the security guidelines.
5. Conduct training on hazardous environment awareness to understand and react to safety and security incidents in hostile or hazardous environments.
6. Development of a security risk assessment (SRA) and a security management plan (SMP) for the entire project including the AF for WB approval. This will include measures to improve security of civil servants funded by the project and the other project activities including the citizen engagement component and the improving security in schools as part of the schools grants program – by Feb 2021

The security risk assessment and security management plan should be developed before the development of the guideline so as to avoid delaying the implementation of basic security measures and protocols.

Table 1: ISO 3100 Risk Management Process



Duration

The tenure of the Consultant will be for a maximum of 6 months. The Consultant should propose its timetable of engagement in its inception report.

Deliverables and Timelines

The Consultant shall execute the following tasks:

Task	Number of days	Deadline
1. Review the PAD, and Labour Management Procedures and Code of Conduct developed for the project as well as the TORs and the E&S capacity checklists for the contractors.	2	Week 1
2. Meet with the key staff at FGs level including the PM, and social and GBV advisor to under the project and how it is being implemented and security measures already in place.	2	Week 1
3. Draft and inception report outlining a detailed methodology (including key tools, questions, areas of focus, ESS considerations, etc.) and a timetable of activities request sign-off by the Project Coordinator and Project Manager for the methodology.	2	Week 2
4. Conduct interviews with FMS PMs and key staff, as well as contractors, PSI and the CE	4	Week 3

contractors and government security agencies and security providers		
5. Develop draft guidelines with all protocols for submission and review.	4	Week 4
6. Develop a project wide security risk assessment, measures and security management framework; the SRA shall be presented in security risk tables that identify all categories of risk, their respective ratings in terms of impact on Project staff)	5	Week 5
7. Train and get input of the PIU staff on the guidelines	2	Week 7
8. Travel to each FMS to train and get input of the FMS staff on the guidelines and further elaborate the SRA and SMF for World Bank submission and comments and meet with and contractor staff, government security agencies and security providers	20	Week 9-14
9. Prepare security risk tables and location matrices (see Chapter 7 & Chapter 8 below) and SMP for PIU clearance and submission to the World Bank for No Objection	5	Week 9-14
10. Finalise the guidelines and SRA and SMF following WB comments	4	Month 3
11. Monitor and follow up the functioning of the security management system including further training including of security providers and contractors	30	Month 4-6
12. Assignment completion report with recommendations for further strengthening	2	Month 6
TOTAL	82	

All SRA and Security Protocols produced by the Consultancy shall be treated in a confidential manner and shall remain the property of the FMoF; they shall not be disclosed to any other party without the consent of the FMoF and the World Bank.

The Consultant will be required to travel to field locations and to the FMS capitals to conduct SRA, develop and introduce Security Protocols, identify contextualized compliance measures and conduct any identified training activities.

All field movements undertaken by the Consultant, including risk assessments and contacts with project and other parties, shall be conducted and monitored at the sole responsibility of the Consultant. Neither the FGS, the FMS nor the World Bank shall be liable for any actions occurring to or undertaken by the Consultancy. The Consultant shall provide proof of appropriate third party and liability insurance for Somalia.

5.2. b. Development of Security Protocols and Minimum Operating Standards

For each category of project worker including civil servants associated with the project, separate Security Protocols should include, but not be limited to the following activities: (i) develop web based travel clearance for project staff traveling for reasons related to the project; (ii) in-extremis events, including escalation of area insecurity, attacks on project sites and staff; (iii) crisis and contingency management plans and responsibilities; (iv) security incident reporting to provide clear guidance on which incidents to be reported, to whom, and the mechanism for doing so.; (v) Security Focal Points community of practice for oversight and communications on security management; fire prevention principles, (vi) security communications plan; (vii) code of conduct for project staff on official duty; (viii) use of official and private security – see World Bank guidance⁸.

Security Protocols should be supported by (i) a clear identification of potential security risks in the area of Project operation; (ii) description of Project activities to be implemented; (iii) identification of Project Workers and Civil Servants in view of their project-specific activities (in coordination with the Project Labor Management Procedures); (iv) protection measures for different categories of project workers (including duty of care); inclusivity and Gender, (v) cost estimates associated implementation of the Security Protocols; (vi) analysis on the use of security actors in project-related functions;

3. QUALIFICATIONS

3.1. Obligations of the Consultancy

The successful Consultant shall provide an appropriate ‘certificate of good character’, verified by a competent authority.

The Consultant shall make their own arrangements for all office and living accommodation, transportation, supplies, surveys, investigations, COVID19 and other health testing, security protection, secretarial services etc.

3.2. Consultant’s Qualifications and Experience

The minimum qualifications of the consultant shall include

- Relevant university degree or higher education;
- A minimum of 5 years in security risk management experience in Somalia
- Experience in developing security guidelines, security risk assessments, measures and management plans in Somalia (per Chapter 7)
- Strong links with security information providers and government security agencies and providers

⁸ World Bank (2018), ‘Environment & Social Framework for IPF Operations. Assessing and Managing the Risks and Impacts of the Use of Security Personnel’, Good Practice Note. Washington DC: World Bank

- Experience of project risk management frameworks in ISO 31000-compliant field level SRM
- An understanding of the World Bank's Environmental and Social Framework and the requirements of the project per the SEP and LMP
- Demonstrated capacity for training and development in SRM, including the production of SRA and Security Plan templates and contingency management protocols.

4. Project Risk Assessment Tables – Consultancy Model

Risk likelihood and impact are rated on a scale of 1 to 5, the criteria for these ratings can be seen here. Tables should be developed for each identified risk category, per region.

Table 2: Risk Probability Score

Likelihood Score	Likelihood	Definition
1	VERY IMPROBABLE	The risk will occur only in the most exceptional circumstances
2	IMPROBABLE	The risk is not expected to occur in most circumstances
3	MODERATELY PROBABLE	The risk will occur in some circumstances
4	PROBABLE	The risk will occur in most circumstances
5	VERY PROBABLE	The risk will occur in just about all circumstances

Table 3: Risk Impact Score

Impact Score	Impact	Definition
1	NEGILIGBLE	Insignificant Injuries or health effects
2	MINOR	Minimal Injuries or health effects
3	MEDIUM	Moderate Injuries or health effects
4	SEVERE	Permanent disability and/or multiple hospitalisations, major health effects
5	CRITICAL	Fatalities, multiple permanent disabilities or multiple hospitalizations, major health effects

Table 4. Risk Matrix

Risk Matrix		Impact				
		Negligible	Minor	Medium	Severe	Critical
P R O B A B I	Very Probable	Low	Moderate	Substantial	High	Unacceptable
	Probable	Low	Moderate	Substantial	Substantial	High
	Moderately Probable	Low	Low	Moderate	Substantial	Substantial

L I K E L I H O O D	Improbable	Low	Low	Low	Moderate	Moderate
	Very Improbable	Low	Low	Low	Low	Low

5. Risk Matrices

In consultation with the PIU, the Consultant will use only those risk categories (1-18) that are considered relevant to the Project.

1. VBIED
2. PBIED
3. Complex attack/ambush
4. IED
5. Intimidation/extortion
6. Workplace violence
7. Gender-based violence
8. Kidnap
9. Armed robbery/raid
10. Compound takeover/hostage taking

Risk Matrices:

IMPORTANT: The Risk Matrices in this document, including their ratings, are based on untreated levels of risk – i.e. prior to mitigation/ SMP.

Project Location (*insert name & replicate for each location*)

Risk matrix		Impact				
		Negligible	Minor	Medium	Severe	Critical
Likelihood	Very probable			7		1,2,3,4
	Probable		6,10	8,9,		
	Moderately probable				5	
	Improbable					
	Very improbable					