

FEDERAL GOVERNMENT OF SOMALIA



MINISTRY OF FINANCE

LABOR MANAGEMENT PROCEDURES (LMP)

SOMALIA ENHANCING PUBLIC RESOURCE MANAGEMENT PROJECT - SERP

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LIST OF ACRONYMS

ACLED	Armed Conflict Location & Event Data Project
EAFS	External Assistance Fiduciary Section
EOC	Emergency Operations Coordinator
EHSG	Environment Health and Safety Guidelines
ESSs	Environment and Social Standards
E&S	Environment and Social
ESF	Environment and Social Framework
ESMP	Environment and Social Management Plan
ERP	Emergency Response Plan
ESS	Environmental and Social Standards
EHS	Environmental Health and Safety
ESF	Environmental Social Framework
FGS	Federal Government Somalia
FM	Financial Management
FMIS	Financial Management Information System
FMS	Financial Management System
C-ESMP	Construction Specific Environment Managing Plans
CBA	collective bargaining agreement
CoC	Code of Conduct
DRM	Domestic Revenue Mobilization
GBV	Gender Based Violence
GSS	Gulmudug State of Somalia
GRM	Grievance Redress Mechanism
GO	Grievance Officer
HRMIS	Human Resources Management Information System
HSS	Hirshabelle State of Somalia
ICT	Information Community and Technology
IDPs	Internally Displaced Persons
IT	Information Technology
ILO	Information Labor Organization
ITAS	Integrated Tax Administration Automation System
JSS	Jubaland State of Somalia
LGBTQ	Lesbianism Gay, Bisexual, Trans-Gender and Inter Sex
LTO	Large Taxpayer Office
LMP	Labour Management Plan
MOLSA	Federal Labor Ministry and Social Affairs
MDA	Ministries Department Agency
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
OHS	Occupational Health and Safety
PCU	Project Coordinating Unit
PIM	Public Investment Management
PDO	Project Development Objectives
PSM	Public Sector Management
PFM	Public Finance Management
PSS	Puntland State of Somalia
PSC	Project Steering Committee
POM	Project Operation Manual
PHO	Public Health Officer

RCRF	Recurrent Cost and Reforms Financing Project
SEA	Sexual Exploitation Abuse
SEAH	Sexual Exploitation and Harassment
SERP	Somalia Enhancing Public Resources Management Project
SL	Somaliland
SWSS	South West State of Somalia
SRAMF	Security Risk Assessment Management Framework
SRA	Security Risks Assessment
SWP	Safe Working Procedures
TA	Technical Assistant
TRA	Task Specific Risk Assessment
TPM	Third Party Monitoring
WBG	World Bank Group

CHAPTER 1: INTRODUCTION

1.1 Project Information

Somalia Enhancing Public Resource Management Project (SERP) Project Development Objective (PDO) is to strengthen accountability, transparency, and institutional capacity in public resource management, across participating entities. The project is expected to achieve the PDO through an innovative design to implement interdependent reforms in public resource management, in an integrated manner, across the whole of Somalia. The project supports the strengthening of Public Finance Management (PFM), Domestic Revenue Mobilisation (DRM), and Public Sector Management (PSM) across Somalia. The project components and sub components are summarized in **Table 1-1** below.

Table 1-1: SERP Components

Component	Subcomponent	Key activities
Component 1: Public Financial Management	1.1 Support essential budget execution functions	(i) Strengthen the internal control environment and quality, comprehensiveness, and transparency of financial reporting (ii) Support the use of financial management information systems (FMISs) (iii) Strengthen procurement processes. (iv) Support external audit and parliamentary oversight on public expenditure
	1.2 Strengthen PFM for service delivery in the health and education sectors	Support stronger health and education service delivery by ensuring sustainable and efficient planning, budget allocations, cash forecasting and expenditure management in the Federal Government of Somalia (FGS), Puntland State of Somalia (PSS) and Jubaland State of Somalia (JSS)
	1.3 Support capacity building of PFM staff	Address immediate capacity needs while also aiming to institutionalize capacity building to reduce dependency on consultants
	1.4 Facilitate the harmonization of PFM systems between FGS and FMS	(i) Harmonize FGS's and FMSs' PFM Acts, Accounting, and Reporting (ii) Harmonize PFM staff competency framework and pay and grading system in collaboration with Component
	1.5 Improve budget preparation and transparency	(i) Support key budget preparation processes to improve budget credibility for states with significant domestic revenue (FGS, PSS, JSS and SL) (ii) Enhance budget transparency of the FMSs
	1.6 Strengthening Public Investment Management	Support potentially the FGS, PSS and other FMSs, and SL, in strengthening the institutional framework for enhanced decision-making in public investment management (PIM) and, at a higher level, contribute to sustainable levels of debt over the medium to long term.
Component 2: Domestic Revenue Mobilization	2.1 Strengthening and harmonizing tax policy capacity	(i) Strengthening and harmonizing tax policy capacity (ii) Review of the FMSs tax laws (iii) FGS and FMSs consensus-building for alignment of their legal frameworks for which the Intergovernmental Fiscal Forums (IGFF) has already been established with support from the Bank's, Somalia Recurrent Cost and Reforms Financing Project (RCRF) project.
	2.2 Strengthening and harmonizing inland revenue and selected customs administration systems and capacity	(i) Implementation and harmonization of taxpayer segmentation strategy e.g. Large Taxpayer Office (LTO) (ii) Strengthening and harmonizing business process mappings and redesign processes to fit to the local context, and informed

Component	Subcomponent	Key activities
		by the experiences of the FGS and PSS, which were supported under the DRM and PFM Project (iii) Strengthening and harmonizing the modernization and automation of the Integrated Tax Administration Automation System (ITAS) with a focus on a ‘fit for purpose’ (iv) Strengthening and harmonizing capacity building in close conjunction with Component 3
	2.3 Strengthening and harmonizing taxpayer education and facilitation	Support needs-based establishment of taxpayer orientation programs, taxpayer service charters, facilitation and grievance help desks, reports for proactive disclosure of revenue performance and forecasting, tax forums, and a revenue academy
Component 3: Public Sector Institutions Management and Performance	3.1 Strengthening the Capacity and Performance of Central and Line Ministries, Departments, and Agencies building on the work of the PREMIS-PFM Project, CIP, and CSSP.	(i) Improvement of strategic staffing, informed by affordability (ii) Capacity development in Civil Service Commissions, MoFs, the OAGs, and selected priority MDAs. (iii) Support the improvement of the quality of staff through blended approaches in training including building a pipeline of future civil servants, strengthened performance management, and support to peer learning networks.
	3.2 Strengthening the implementation of workforce management policies.	(i) Human Resource Management Information Systems (HRMIS) that have been established in the FGS, FMSs, and SL. (ii) support Pensions. In GSS, HSS, JSS, and SWSS support will be for the development of related policy and legal frameworks (iii) Support the Pay and Grading (P&G) systems already being established in the FGS and PSS, while ensuring that P&G reforms are fiscally sustainable across all FMSs. (iv) Support labor market surveys in GSS, HSS, JSS, and SWSS to form the foundations for future reviews of their P&G systems (v) Support a review exercise of: (a) existing civil service management policies and regulations to identify any improvement needs; and (b) existing mechanisms for policy planning, development, oversight and coordination in GSS, HSS, JSS, and SWSS.
	3.3 Expansion of key government services to local governments in Somaliland.	Support SL to expand key government services to local districts, which may include the issuance certificates of good conduct, licensing (driving, trade), registration of properties, tax payments, and so on. Coverage will include the Civil Service Commissions, Ministries of Labour, Ministries of Planning, and Offices of the President. The procurement of IT equipment, furniture, and vehicles for the new FMSs, central MDAs in the FMSs, and the construction of buildings to host offices and IT labs for their Civil Service Commissions will also be part of this subcomponent.
1. Project Management, Coordination, and Support in Delivery	4.1 Project management	Support the management, coordination, and M&E for the three components.
	4.2 Results monitoring, which along with conducting day to day M&E and supporting government capacity will include a survey-based impact assessment.	

1.2 Project Implementation Arrangements

A Project Steering Committee (PSC) will be established and be responsible for strategic policy and decision making, technical coordination across the FGS and FMSs, and for taking the lead on harmonization. The PSC participation will be at the Director General level from the relevant MDAs, including the MoF, in both the FGS and FMSs.

A Project Coordination Unit (PCU) will be established to provide support services to the implementing FGS and FMSs MDAs and coordinate implementation at and between the FGS and FMSs. The PCU will be placed in the MoF of the FGS and led by a project coordinator, who will be responsible for: (i) coordination between components and FGS/FMSs; (ii) M&E of project activities; and (iii) provision of support services, such as procurement, environment, social standards, and communication, to project implementing MDAs. The project coordinator will be supported by a team consisting of technical advisors (PFM, DRM, and PSM) and specialists in procurement, M&E, environment, social standards, and communications.

The PCU will also include an FM specialist assigned from the External Assistance Fiduciary Section (EAFS) of the Accountant General's Department. The project coordination team will be selected in an inclusive manner by a selection committee representing the three main technical streams: PFM, DRM, and PSM. In addition, each FMSs will have a project manager to independently coordinate project activities at the FMSs level and liaise with the FGS PCU coordinator at the MoF

1.3 Objectives of LMP

The objective of preparing Labor Management Procedures (LMP) is to identify and manage risks associated with labor and working conditions under the SERP project as summarized below.

- The plan identifies labor requirements in line with applicable Federal Government of Somalia (FGS) and Federal Member States (FMS) laws, standards and sets out the procedures for addressing labor conditions and risks associated with SERP in line with the World Bank Environmental and Social Standard (ESS) 2 on Labor and Working Conditions (ESS2) and ESS4 on Community Health and Safety clauses that detail cases of labor influx and spread of communicable diseases and the World Bank Environment Health and Safety Guidelines EHS 2007.
- The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force.
- The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues.
- The LMP provides an overview of Labor use in relation to the project, assesses the potential Labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the SERP, establishes a dedicated grievance mechanism for project workers, and provides procedures to guide development

of site-specific Labor Management Plans and Site Specific Occupational Health and Safety Plans (OHS) by contractors.

The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project. The LMP sets out policies and procedures governing provisions listed below.

- Overview of Labor Use on The Project
- Assessment of Key Potential Labor Risks
- Brief overview of Labor Legislation: Terms and Conditions
- Brief overview of Labor Legislation: Occupational Health And Safety
- Responsible Staff
- Policies And Procedures
- Age of Employment
- Terms and Conditions
- Grievance Mechanism
- Contractor Management
- Primary Supply Workers
- Monitoring, Reporting and Budget

ESS 2 categorizes project workers into: direct workers; contracted workers; and primary supply workers. The labor category of direct workers will be government civil servants and the federal, regional and district levels and staff from other relevant government ministries, departments and agencies deployed to provide requisite technical support to the project. Both the, Contractors, Suppliers and consultants participating in SERP shall be governed by the Labor Code of 1972.

CHAPTER 2: OVERVIEW OF LABOUR USE ON THE PROJECT

2.1 Overview

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

Number of Project Workers: The project shall employ at least 220 direct workers and 100 contracted workers out of which 30% will be female and 20% will be sourced from the community. .

The composition /characteristics of project workers will include the local workers from the specific project areas, national or international migrants for the technical specific works not readily available in the area. Special consideration will be given to female workers during the recruitment. In addition, measures will be put in place to ensure non-discriminatory and inclusive hiring. The project will not engage/employ community labor as that term is understood in ESS2.

Timing of Labor Requirements: The timing and sequencing of labor requirements for the project is associated with the different phases. 10 % of the proposed labor shall be used during the planning/preparation phase, 50 % of proposed number of workers will be recruited during the construction phase and the remaining 40 % of the workers will be recruited during the operational phase of the project.

Direct workers include all the workforce directly employed by the PCU: E&S safeguards specialists, OHS specialist, M&E specialist, GBV Specialist and the Gender Officer as the gender focal point, Consultants, Engineers, temporal staff such as casuals and Field supervisors/Field staff, and civil servants seconded for work by the Federal Government, and MoF seconded to support the project and the consultants that have direct employment agreements with the Ministry of Information and Communication and Technology. Government civil servants working in connection with the project, whether full time or part time, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. ESS2 will apply to such government civil servants only in relation to the provisions of paragraphs 17 to 19 and 20 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

Contracted Workers: The project will use the services of contracted workers estimated to be 100 of which 30% will be female and 20% will be sourced from the community. The contracted workers will compose the bulk of the labor work force (70%) to be used in the project; they include the contractors who will construct the office block and IT labs. The PCUs will be responsible for recruiting the contractors through the Procurement Unit; with specific contractual obligation. Foreign workers will require work permits, which will allow them to work in Federal Republic of Somalia and in the Federal Member States namely; Jubaland, South West, Hisharbelle, Gulmudug and Puntland

Table 2-1: Overview of Labor in the Project.

Type of project Workers	Characteristics of project workers	Timing of labor requirements	Indicative number of Workers
Direct workers PCU - (E&S safeguards specialists, GBV specialist, OHS specialist, M&E specialist the Gender Officer as the gender focal point Consultants Engineers, temporal staff and Field supervisors/Field staff/	•PCU: National consultants, •Consultant international and national experts •Engineers, Surveyors, Social and Environment safeguards and Field workers: National	•PCUs: from project Preparation until project completion •Consultants: from project preparation until project completion •Engineers Fieldworkers: during project implementation	• PCU: approx. 60 consultants • field staff: 100 in the 6 Federal Member States, the workers will provide support services, such as procurement, environment, social standards, and communication, to project implementing MDAs. The role of responsibilities for undertaking field supervision on EHS matters will be responsibility of OHS expert who will be hired under the PCU
Seconded Civil Servants	• Workers from the Ministries, local governments supporting the project	•Support from project preparation until project completion	• Approximately 60 in the 6 Federal Member States
Contracted workers Skilled workers engaged by the primary contractor Skilled workers engaged by subcontractor Unskilled workers engaged by the subcontractor	• Skilled workers of the primary contractor: mostly national technical permanent staff. •Skilled workers engaged by the subcontractor: national or international operators of heavy machines • Unskilled workers: local host community members, female workers, IDPs and persons with disabilities.	• The timing of labor requirement will fluctuate, dependent on the construction stages, which will be determined by individual Contractors at the contract award stage.	• The contracted works (skilled or unskilled) required during the execution of the project activities will be identified later once the exact sub-Projects and locations are determined. For each sub-project site, approximately 100 workers may be hired.
Primary supply Workers/ Workers engaged by primary suppliers	They are most likely to be local workers to deliver construction materials like sand that will be used to construct buildings that will construction of host offices and IT labs for their Civil Service Commissions.	Project implementation	The primary supply workers will be identified during the Project implementation stage.

CHAPTER 3: ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Given the nature of project infrastructure development-related activities in an environment of fragility, conflict and violence, it is anticipated that there will be several key labor risks as discussed in sub sections below:

5.1: Key Labor Risks during construction of Office Buildings to host Civil Service Commission and IT Labs

The key labor risks which anticipated for the project are:

- Failure of employers to comply with national laws and ESS2 on terms and conditions of employment and WBG- EHS guidelines of 2007. Failure of employers to provide adequate occupational health and safety equipment and to manage the labor force in line with national law and ESS2 in relation to occupational health and safety, including resulting in accidents and injuries among workers. This might trigger labor disputes where workers dispute over limited employment opportunities, labor wages/rates and delays of payment, discrimination in labor recruitment, disagreement over working conditions (particularly overtime payments and adequate rest breaks), and health and safety concerns about the work environment. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, unfairness at work, or any grievances raised, and such situations could lead to labor unrest and work stoppage.
- Incidents of child labor: for Child labor: the need to earn an income may force underage children to seek employment at office block construction sites. . Contractors need to verify the age of the workers using the national identity card, or selection based on the contractor's previous profile, maintain ID copies at worksites, do periodic labor inspection, etc. Where an individual has no ID, reference by community or village elders will be used to verify the age limits of individuals seeking employment.
- Incidence of Forced labor in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable – women and girls forced into prostitution, migrants trapped in debt bondage, and workers kept there by clearly illegal tactics and paid little or nothing. Forced labor risk is likely. However, the project will mainly involve the line Ministries and PCUs. However, there may be potential risks related to construction works. The Project will not allow any form of forced, child labor, slavery, servitude, trafficking and all applicable ESS 2 provisions. It will hold all contractors liable for the implementation of the LMP, the PCU will have overall responsibility to monitor the implementation of the LMP.
- Security risks from the Al Shabab and communal conflict, which could threaten the life, health and safety of project workers. With Al-Shabaab still in control of parts of the country and their attacks frequently targeting government and other strategic infrastructure and persons in urban areas, the security risk for the project workers is substantial. Other security threats / issues include theft, vandalism and looting of parts, and/or unauthorized access to the construction site, in addition to other impacts from hiring security personnel.

- Security risks, including possible abuses, to project workers and local communities arising out of activities of security personnel engaged by the project to protect project property and personnel.
- Gender-based violence / Sex Exploitation and sexual harassment, as well as transmission of HIV/AIDs. Covid 19 and other communicable diseases, among project workers and between project workers and local communities. Sexual harassment, exploitation and abuse: there are several concerns on the potential for GBV, increased risk of abuse and exploitation for vulnerable women workers, increased risk of sexual exploitation and violence of persons involved in the labor related activities. Thus, all staff and contracted workers should sign a code of conduct outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions.
- recruitment and employment Labor discrimination against vulnerable and disadvantaged groups, including IDPs, unemployed youth, women, minority clans and ethnic minorities persons with disabilities, persons with HIV/AIDs, LGBTQ persons.
- Lack of access by project workers to worker grievance mechanism to address workplace related complaints, including workplace sexual harassment.
- Large-scale influx of transient male workers into small and often rural host communities with low capacity to absorb the sudden increase of workers

Anticipated Labor management risks and mitigation measures are highlighted in **Table 3-1**:

Table 3-1: Detailed Project Labor Risk Analysis

	Labor Risk	Magnitude, extent, timing, likelihood, and significance of these risks
1.	Occupational Health & Safety risk at construction stage of the Office Blocks and IT labs	○ Project workers and Community members may be exposed to physical hazards on the project site ○ Project workers may be exposed to Health and Safety risks associated with workers working in confined areas. ○ Project workers and Community members may be exposed to Health and Safety Risks associated with fire at campsites or electric related fires at active work sites ○ Project workers and Community members may be exposed to traffic and road safety hazards ○ Risks related to worker accommodation, sanitation arrangements and transport
2.	Labor Influx	○ The Project might attract large numbers of workers from other regions seeking employment ○ This influx is compounded by an influx of other people who follow the incoming workforce with the aim of selling them goods and services, or in pursuit of job or business opportunities Labor
3.	Forced Labor	○ The Project might result to Incidence of Forced labor in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable – women and girls forced into prostitution, migrants trapped in debt bondage,
4.	Security Issues i.e Attack by Alshabab	○ Communal conflict, could threaten the life, health and safety of project workers. ○ Security risks, including possible abuses, to project workers and local communities arising out of activities of security

	Labor Risk	Magnitude, extent, timing, likelihood, and significance of these risks
		personnel engaged by the project to protect project property and personnel. ○ The Presence of security personnel, who can provide protection but can also abuse their positions of power and status to perpetrate SEAH/GBV risks.
5.	GBV Incidences	○ Male workers transporting goods related to the project (e.g. truck drivers), who can perpetrate SEAH/GBV risks on routes and at truck stops associated with the project, even if not on the project site. ○ Poorly designed or maintained physical spaces on project sites and in worker accommodation for example bad lighting in and around grounds and access routes could harbor perpetrators ○ Informal workers, whose informality means they may either be more vulnerable to SEAH/GBV risks due to lack of contracts or that potential perpetrators may go unidentified due to lack of background checks
6.	Infrastructure and Equipment Design and Safety	○ Project workers may be affected by operational accidents or natural hazards, including extreme weather events which included floods and drought, during the construction and operation of project-funded facilities, including the fiber-optic lines and associated facilities.
7.	Safety of Services	○ Project workers may be exposed to risks at quarries or excavation works, such as rock falls or hazardous equipment, while the fiber optic lines and associated facilities are under construction. ○ At the construction sites, the workers also stand at risk of using contaminated water and the attendant spread of diseases. ○ At Construction stage of office buildings risks might be associated with work with heavy equipment, trip and fall hazards, work in confined spaces,
8.	Emergency Preparedness and Response	○ Project workers may be exposed to risks arising from emergencies occurring during the life of the project. ○ The emergencies may occur as a result of both natural and man-made hazards, and may be in the form of fires, explosions, leaks, or spills, which may occur for a variety of different reasons, including failure to implement operating procedures that are designed to prevent their occurrence, extreme weather, or lack of early warning.
6.	Labor Discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans and ethnic minorities	○ The Project may result to discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans ○ Project may fail to hold sensitization meetings on resources planning and conflict resolution mechanisms. ○ The contracts with third parties may fail to include non-exclusion requirements as part of the monitoring system.
8.	Grievances from contractual workers This could result from delay in payment of wages, uncomfortable working conditions, work areas and work design.	○ The PCUs may fail to prepare the Grievance Redress Mechanism (GRM) to address labor grievances. ○ Constitute the Grievance Redress Committees may fail to be inclusive ○ Awareness creation for the workers on their rights and obligation may not be properly undertaken ○ Supervise of labor activities by government entities.

	Labor Risk	Magnitude, extent, timing, likelihood, and significance of these risks
9.	Spread of COVID 19 Infections and HIV	○ Project workers and Community members may be exposed to activity that contribute to the spread of disease (eg COVID 19 and other Communicable Diseases such as HIV/ AIDs)

The construction activities to be implemented by the project will be guided by an Emergency Response Plan (ERP) that will be developed by the project coordination team with the support of the Environment Specialists (who shall be the coordinator of the ERP), Occupational Safety and Health Officers, Public Health Officers (PHOs), Contractors and the Ministry of Information Communication and Technology.

The PCU at the ministry shall designate an officer to serve as the Emergency Operations Coordinator (EOC) who will be the main contact for the MoF in an emergency. Project workers on the fiber optic construction sites shall be vetted for a suitable candidate to act as the ERP point person, and who shall be trained to handle such cases during operating phase. The ERP will include engineering controls (such as containment, automatic alarms, and shut-off systems) proportionate to the nature and scale of the hazards identified at the workplace or construction sites, identification of, and secure access to, emergency equipment available on-site and nearby, and appropriate notification procedures for both project workers, stakeholders and designated emergency responders.

The plan shall also include the use of diverse media channels for notification of the affected community and other stakeholders, as well as training programs for emergency responders including drills at regular intervals. The project workers will be apprised of public evacuation procedures and furnished with the contact details of the designated coordinator for ERP implementation (i.e., the project's Environmental Specialist). The plan shall also highlight the measures for restoration and clean-up of the environment following any major accident.

Table 5.2 below presents Labor and Working conditions (ESS2) and Community Health and Safety Risks analysis of a labor risks and suggested mitigation.

Table 3-2: Labor and Working conditions (ESS2) and Community Health and Safety Risks – ESS4

Risk	Analysis	Mitigation
Terms and conditions of employment	The Labor Code 1972 stipulates that 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 ESS2 provides for the promotion of fair treatment, non-discrimination, and equal opportunity of project workers.	ESS2 Project workers will be provided with information and documentation that is clear and understandable regarding their functions, terms and conditions of employment. The information and documentation will set out their rights under national Labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of ESS2. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur -The documentation will be translated into Somali and read out to workers who may not be literate -The workers will be provided with accessible and safe means to raise workplace concerns. This will be done through the workers' GM under ESS2 and project grievance mechanism as well as formation and joining of collective bargaining bodies
		The project shall adhere to the requirements proposed in the project LMP including: • Fair terms and conditions shall be applied to all project workers (guided by relevant laws) • The project shall have GMs for project workers (direct workers, contracted workers, primary suppliers and community workers) to promptly address their workplace grievances. The social specialist at the PCU will ensure the GM is functional and accessible. • The project shall respect the workers' right to join Labor unions and freedom of association
Occupational health and safety	The project activities during construction and operational phases, which include the construction office blocks and IT abs and operational phase activities may be associated with OHS risks including physical hazards, such as slip and falls from heights associated with working on ladders, elevated noise, possible electrocution of the workers/staff, and exposure to air pollution hazards, including elevated dust levels and exposure to COVID-19 and other contagious diseases, as well as potential exposure to asbestos-containing materials, if there are any	The measures listed are representative but not necessarily complete, and a final complete set of all OHS management measures (avoidance, mitigation, monitoring, training, capacity, etc.) needed for project supported infrastructure construction will be established in ESMPs as necessary. This should be based on the WBG's EHS General Guidelines (EHSGs) section 2 on Occupational Health and Safety . -The contractors shall provide the workers with the required PPE and always enforce use while at the worksite. -The contractors should keep emergency and first aid tool kit in the sites, which will be replenished once used

Risk	Analysis	Mitigation
	old structures to be removed, Additional risks will include worker accommodation, sanitation arrangements and transport.	-The equipment used in the works should be routinely serviced to ensure proper and safe functionality -Carry out job risk assessment (analysis of hazards likely to exist and precautions required) before executing the assignment, and at different intervals as may be practically possible to ensure safety assurance -Use of safety signage “MEN/WOMEN AT WORK” or “Object Falling” to warn the project staff and other workers on site -Provision of adequate signage and communication in Somali language of risks to workers and community members -Hazardous areas should be clearly marked with signs easily understood by workers, visitors and the general public, as appropriate -Contractor workers should be trained in the use of temporary fall prevention devices, such as rails, full body harnesses and energy absorbing lanyard -Electrical works should be performed by trained and qualified experts -Ensure that electrical equipment is properly connected before switching on sockets -Use only the standard electrical connectors when joining extension leads or cables -In case of any spillage at work areas, the contractor should clean the spillage immediately, anti-slip hazard warning signs should be used when mopping floors to reduce chances of slip falls -Installation of different type of fire extinguishers -Training of staff and the relevant team members on the use of the fire extinguishers There will be an elaborate health and safety requirement which will address the OHS risks in every subproject and to be included in site specific ESMP, including hazard analysis, health and safety plans among others.
Discrimination of employment based on gender, disability or ethnicity	The risk of discriminating based on gender, disability and ethnicity/clannism in recruitment exists especially at the local level during the construction component of the project. There is also a risk of bias in the recruitment of workers.	Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination 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. These provisions will be enshrined in the Code of Conduct that will be signed between the Contractors and MoF. The CoC, to be signed by all workers, is aimed at preventing and addressing harassment, intimidation and/or exploitation. -Contractors will be compelled to offer a written undertaking and commitment to safeguard the interests of women, provide appropriate sanitation facilities at the

Risk	Analysis	Mitigation
		workplace and appropriate PPE for women and persons with disability (in accordance with WBG's EHSs). -Employees and workers (through a separate Workers' GRM) will equally have unfettered access to the GM channel to raise their concern -The social specialist will routinely and periodically supervise and monitor the contractor's approach and actions to ensure that no cases of discrimination occur or if they occur, they are addressed immediately through the appropriate channels.
Use of child Labor	The Labor Code 1972 prohibits work for children below the age of 15 years and makes special provisions for workers aged 18 years and below.	The Project will only allow deployment of workers in line with the Labor Code 1972 in all project worker categories – and the project's cutoff age shall be 18 years of age or older for project workers. -The project will require the implementation of age verification procedures by contractors for all its prospective employees, the verification procedure will be shared and verified by the social specialist. -The contractor will keep a list of all the workers at the site together with their details including age. These data will be shared periodically and on demand with the PCU and World Bank -The PCU will work closely with the State and District Labor Inspectors to ensure and monitor compliance of the contractor with the Labor code and the ESS2
Labor influx	There is likely to be some minor movement of people from areas outside the project area to provide Labor, deliver goods and provide services during the construction of the fiber optic lines. Such movements may result in increased demand and competition for local goods and services, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviours and crime, including GBV cases.	Contractors, who may develop camps for workers based on need, will develop Camp/Worksite Management Plans to ensure that the requirements for managing such camps/worksites are adhered to (including restricted entry and exit) and respectful relations with communities in the project area -Contractors shall ensure that all non-technical work is reserved for local people (identifiable with the host communities and witnessed by host community leadership) -All workers will be required to sign a CoC that will be enforced by all contractors -An abbreviated CoC will be produced and displayed in all facilities and offices implementing and of interest to the project -Broadly share information among the workers on the availability of safe and accessible GM and the presence of GBV/SEAH focal persons including contacts of the social specialist for the project.
Infrastructure and Equipment Design and Safety	Project workers may be affected by operational accidents or natural hazards, including extreme weather events, during the construction and operation of project-funded facilities. Poorly designed infrastructure components can also result in harm to project workers and the larger community.	The project will ensure that the design, construction, operation, and decommissioning of infrastructure components shall be in accordance with the ESS2 and EHSs and other GIIP, taking into consideration safety risks to project workers (in addition to third parties and affected communities). The structural elements of the project shall be designed and constructed by competent professionals and certified or approved by competent authorities or professionals. Structural design will take into account climate change considerations, as appropriate.

Risk	Analysis	Mitigation
Safety of Services	Project workers may be exposed to risks at quarries or excavation works, such as rock falls or hazardous equipment. The workers also stand at risk of using contaminated water and the attendant spread of diseases.	The project will need to ensure the use of competent contractors who can mitigate other risks, including electric shock from electrical cabinets or cables or poor waste disposal. The ministry shall also apply the concept of universal access for both project workers and project beneficiaries and that g that workers will be provided with safe drinkable water .
Emergency Preparedness and Response	Project workers may be exposed to risks arising from emergencies occurring during the life of the project. The emergencies may occur as a result of both natural and man-made hazards, and may be in the form of fires, explosions, leaks, or spills, which may occur for a variety of different reasons, including failure to implement operating procedures that are designed to prevent their occurrence, extreme weather, or lack of early warning.	To mitigate this, the project shall, through the Emergency Response Plan, identify and implement measures to address emergency events. The ERP shall comply with ESS4's requirements on ERP as elaborated by the ESF Guidance Note for Community Health and Safety. ¹ The project team shall develop a standard ERP which shall be structured to cover project workers on the civil works construction corridor on matters to do with natural and man-made risks/disaster events. The project's Environmental Specialist will be appointed as the coordinator for the ERP and given the necessary training as required.
Spread of diseases in communities, including HIV/AIDS and COVID-19 through project activities due tp labour influx	The nature of the project (congregating of approximately 200 contracted workers on project component interventions) may lead to increased risk of COVID-19 infections. In addition, there is a risk of HIV infections through interactions between and among workers and community members in the ROW.	Communication on risks of infection with HIV/AIDS and COVID-19 will be conducted through locally appropriate means – targeting workers, learners and communities. -The contractors and suppliers will be required to create awareness on HIV/AIDS and COVID-19 among the workers and in the communities. -The contractors and suppliers will be expected to facilitate the provision of health services to their staff who contract COVID-19 while engaged by the project. -Implementation of the CoC, to be signed by project workers and enforced by all contractors, will also address this risk.
Management of wastes including e-waste and hazardous wastes	Hazardous wastes must be handled or disposed of properly to prevent harm to human health and safety and to the environment. All workers will be required to use PPE (including gloves and masks) which will need to be disposed in line with the provisions of Somalia's Ministry of Health (MoH) and WHO and WB-EHS General Guidelines Section 2 on Occupational Health and Safety. There will also be waste from the communication equipment and materials used by the project that would require appropriate disposal.	The contractors will follow a Waste Management Plan as part of the C-ESMP, which will be used to ensure that all waste from the project is appropriately disposed. In particular, the project team shall ensure the appropriate management of hazardous waste, including the timely collection, transportation, disposal, and monitoring of wastes disposal sites. The PCU shall ensure that no hazardous wastes are often disposed directly into the environment, posing health and environmental risks. All measures are to be aligned with provisions of the WBG's EHSGs. -There will be supervisory site visits by the environmental specialist and the PCU to enforce this requirement
Insecurity	The main security threats associated with the project include attacks on workers (direct, contract, community and suppliers) and theft of project materials and equipment. Further, banditry within the project's right of	All workers and ministry staff involved in the field operations shall be oriented on security threats and guidance provided in the project Security Management Plan. -

¹ See the requirements as elaborated by ESF Guidance Note for Community Health and Safety: <https://documents1.worldbank.org/curated/en/290471530216994899/ESF-Guidance-Note-4-Community-Health-and-Safety-English.pdf>

Risk	Analysis	Mitigation
	way corridor may pose a threat to the implementation of the project.	
Traffic related hazards	There is high risk associated with traffic and road safety hazards during the construction phase in relation to the collection, supply and delivery of materials and equipment for the project by primary supply workers who are estimated to be 100.	Use of competent drivers with defensive driving techniques -PCU staff shall regularly inspect vehicle safety and maintenance - the details of all vehicles being used for the project shall be recorded and details captured. -Only road worthy vehicles and trucks shall be used in transportation of project equipment and materials to avoid frequent breakdowns and risks of road accidents. -All drivers and loaders shall sign the CoC and provide security clearance or a surety from the local community leaders -Drivers (especially going to high insecurity areas) shall follow guidance on safe emergency driving. -Ensuring vehicles with restricted rear visibility are outfitted with audible back-up alarms. -Install speed limit signs at all schools/offices and require deliveries to obey speed limits. -All fleet handling deliveries shall observe speeds limits to a maximum of 50 kph out of major towns but 10 kph in towns or near offices and schools.
Fire risk	Without provisions for fire safety, there is a risk of fire outbreaks construction/renovation works especially in the use of electric tools such as hand drills. Fires can start from ignitable materials, cigarette smoking, or old electrical connections malfunctioning.	PCU shall conduct a fire risk assessment, which shall evaluate and characterize all relevant risks, including fire and other manmade or natural events/disasters. The project will ensure that the appropriate mitigation measures be included in the ERP and resources provided. Contractor shall provide fire suppression facilities including fire extinguishers/fire blankets to the project teams. -Key staff at the PCU shall be trained on basic skills in fire control. -Undertake regular fire and security drills at project sites to test emergency response and use the results to improve on the response mechanisms. - workers involved in electric works will be under Safe Systems of Work and Permit-to-work with Electric installations
GBV/SEAH	Labor influx and the movement of the project staff (contractors, suppliers and PCU team) from one location to another especially during fiber construction may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers and the community. There is also a risk of SH among the workers.	The project shall adhere to the measures proposed in the GBV Action Plan and Stakeholder Engagement Plan (SEP). A GBV Service Provider will be recruited to be responsible for all aspects of prevention and management of GBV. The mitigation measures will include: • Sensitize project workers and the PCU staff and beneficiary communities on GBV/SEAH • Sensitize communities and project workers on GBV/SEAH and the referral pathways • All project personnel to be sensitized on GBV/SEAH as well as the beneficiary communities

Risk	Analysis	Mitigation
		• The CoC, to be signed by the workers contains provisions on GBV/SEAH

CHAPTER 4: BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

The provisional constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for management of labor issues. The Labor Code¹ of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and condition, remuneration, occupational health and safety, trade unions and labor authorities.

The provisions of the Labor Code apply to all employers, employees and work force under SERP including civil servant seconded to the project. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation. The public service or public institutions are in additional governed by the Civil Service Law (Law Number 7/96) adopted in 1996. Below is the list of relevant provisions of the Labor Code with regard to terms and conditions of employment.

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

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

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

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:
 - Not less than ten days in the case of manual workers;
 - Not less than 30 days in the case of non-manual workers: Provided that no notice need be given in case the duration of contract does not exceed one month.
- The Law for the Somali Civil Servants No.11. Article 22: Termination of Person under Service Trial, the head of the Department together with the labor commission can terminate from work a new employee within the period of his/her service trial if firmly proved that his/her work performance in the effective and shall have no right.

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

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

4) Hours of work (Article 85, 86 of the Labor Code).

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.

5) Weekly rest (Article 96 of the Labor Code)

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

6) Annual leave (Article 97 of the Labor Code)

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

7) Fringe benefits (Article 73 of the Labor Code)

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

8) Deductions from remuneration (Article 82 of the Labor Code)

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

9) Death benefit (Article 53 of the Labor Code)

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

10) Expecting and nursing mothers (Article 91 of the Labor Code)

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

11) Nursing breaks (Article 92 of the Labor Code)

- A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.
- Support the principles of freedom of association and collective bargaining of project workers; in a manner consistent with national law; and Provide project workers with accessible means to raise workplace concerns.

12 The Law for the Somali Civil Servants No.11, Article 86: Work Contract

- Any person to be employed for Government service shall enter an agreement of contract with the institution that takes the person which its period shall be based on the institution's need but can however be renewed.

CHAPTER 5: BRIEF OVERVIEW OF LABOR LEGISLATIONS: OCCUPATIONAL HEALTH AND SAFETY

5.1 Occupational Health and Safety (OHS)

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. The labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace. However, the Labor code is not explicit on OHS provisions as detailed in ESS2..

Protection against possible risks (Article 101)

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

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

Notification of industrial accidents and occupational diseases (Article 102)

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

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.

Medical Examination (Article 95)

- Children and young persons under the age of 18 shall not be employed.
- Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
- Where a person is found to be medically unfit to continue his/ her job, his/ her contract of employment shall be automatically dissolved.

5.2 Workers Organisations

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

Organization and purpose (Trade Unions) (Article 9 and 10)

- The organization of labor unions shall be free.
- Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
- Every person is free to join a trade union within the framework of his occupation.
- A trade union shall be established by a notarial act. It shall have a minimum of 50 members.

Freedom of association (Article 15)

It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to:

- Make the employment of a worker subject to the condition that he shall not join a labor union or shall relinquish trade union membership;
- Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.

It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labor union.

Rights of trade union (Article 25)

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

5.3 Occupational Health and Safety (OHS) Inspection and Enforcement

OHS Labor Inspectors have the power to enter to carry out their duties, the Inspectors of Labor must have made for them identification cards to verify that:

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

5.4 The World Bank Environmental and Social Standards (ESS)

The World Bank Environmental and Social Framework sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.

The Environmental and Social Standards set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing.

The World Bank's Environmental and Social Framework (ESF) requires the Bank and Borrowers to better manage environmental and social risks and impacts of projects and to improve development outcomes.

5.5 ESS2: Labor and Working Conditions

ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

The objective of preparing Labor Management Procedures (LMP) is to identify and manage risks associated with labor and working conditions under SERP. It identifies labor requirements in line with applicable Somalia national laws, standards and sets out the procedures for addressing labor conditions and risks associated with the SERP in line with the World Bank Environmental and Social Standard (ESS) 2 on Labor and Working Conditions (ESS2) and ESS4 on Community Health and Safety.

The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force. The purpose of the LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

The LMP provides and an overview of labor use in relation to the project, assesses the potential labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the SERP, establishes a dedicated grievance mechanism for project workers, and provides procedures to guide development of site-specific labor management Procedures by contractors.

3.3 Key Gaps between National Legislation and World Bank ESS 2

The Borrower will ensure that the GAPS detailed in Table 5 below are addressed during project implementation stage. The PCU will follow provisions of this LMP and establish and implement a worker-specific grievance mechanism, which is aligned with the project's worker grievance mechanism and the provisions of ESS2 paras 21-23, to handle all work place complaints among workers, including workplace sexual harassment. The PCU will ensure that the contractors will not hire persons aged under 18 for working in the project activities. In addition, the social risk and GBV risk for the project is rated high, adequate mitigation measures shall be considered during project implementation including the preparation of the GBV/SEA/ Action Plan.

Table 5-1 below gives the summary of World Bank Requirements and Key Gaps with FGS Legal Requirements:

Table 5-1: Summary of World Bank Requirements and Key Gaps with FGS Legal Requirements

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
Working Conditions and management of Labor relations	-Provides for Written Labor management procedures -Non-discrimination and equal opportunity. -Worker's organizations -Elaborate Labor management procedures including contractors' ESMP.	-Provides for Witten employment contract requires including procedures and employment conditions - Labor	- No provision for Labor management procedures	- LMP developed for the project Terms and conditions in the LMP are consistent with national Laws, the LMP will address the GAPS in Grievance Redress Mechanisms and matters related to Terms and Conditions of Employment
Worker Specific Grievance Mechanism for Workers to Raise workplace related complaints, including workplace sexual harassment.	-Worker grievance mechanism must be established and implemented for direct and contracted workers. -Provides for grievance procedures, including the person to whom grievances should be addressed; and, Measures will be put in place to make the grievance mechanism easily accessible to all such project workers	- - Provides for federal Alternative Dispute Resolution Commission, Committee of Inquiry and Labor courts - Labor code article 134 to 137, on labor dispute resolution provides for resolution of dispute through the district labor inspector, central labor inspector and finally competent regional courts - Civil Service law article 41 provides that an official may file an appeal before the supreme court according to law against any 1. final administrative decision concerning him, or against any unfavoured decision	- No Provision for elaborate easily accessible at no cost dispute resolution mechanism as provided in the ESS 2 para 21	Prepare Worker Specific Grievance Mechanism for workers (Direct workers) as per this LMP. Contractors will develop contractor LMP including provision to establish and maintain worker grievance for their employees/workers in line with ESS2.
Occupational Health and safety	-detailed procedure required for every project. -Requirements to protect workers, train workers, documents incidents,	-Focus is on Employer's, Employee's and the Director's Duties in Respect of	-No detailed procedure specific to every project. -	-Prepare site specific OHS plan for the project in line ESS2, WB EHS Guideline and GIIP

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
	emergency preparation, addressing issues. -Monitoring OSH performance - Right of worker to remove self from dangerous work situation without fear of victimization ?	Occupational Accidents, Injury and Diseases - provides for Compensation, Offences and Specific Laws and Regulations - Labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace	-It's not explicit on provisions of ESS2 para 27 as paraphrased in the comment	-Prepare training plan for workers, document incidents and emergency preparation for the site provide in the ESMF. -Adhere to provisions of the LMP which conforms to the provisions of ESS2 para 27 as paraphrased in the comment
Category of workers	Specifies these following categories of workers; direct workers, contracted workers, community workers, migrant workers and primary supply workers.	The framework does not categories workers	No reference to community and Primary supply workers	No community workers and migrant workers will be involved in the project. -Screening and monitoring measures will be introduced for primary suppliers as per this LMP.
Prohibiting discrimination against persons with disabilities, persons with HIV/AIDs, LGBTQ persons and other vulnerable populations?	Provides under ESS 2 Para 13 that 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.	Provides non-discriminatory on account of race, colour, sex, sexual orientation or gender identity, language, religion, political or other opinion, nationality or national extraction, ethnic or social origin, disability, pregnancy, mental status, age or human immuno-deficiency virus (HIV) status or political or trade union activities”	FGS is not explicit on persons of LGBTQ	Provision of LMP on non-discrimination will be complied with, additionally GRM will provide specialized channels/ specific measures for vulnerable workers, to enable them access grievance redressal arrangements appropriately

3.4 ILO Fundamental Conventions Ratified by Somalia

Somalia has been a member of the International Labor Organization (ILO) since 1960. The country has ratified below listed fundamental conventions of ILO:

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

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87): Article 2 of the convention provides that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. Article 3 provides that workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Article 3 further provides that public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Right to Organize and Collective Bargaining Convention, 1949 (No.98): The convention provides under article 1 Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection shall apply more particularly in respect of acts calculated to—

- (a) Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2 provides that workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Discrimination (Employment and Occupation) Convention, 1958 (No.111): The convention provides that each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Worst Forms of Child Labor Convention, 1999 (No.182): The convention provides worst forms of child Labor comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory Labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The convention requires that each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

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

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

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

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

Occupational Safety and Health Convention, 1981 (No.155): The Conventions provides that each Member shall, in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working

environment. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Convention provides that each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national program.

Further, the convention provides that each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programs on occupational safety and health by taking into account the principles set out in instruments of the International Labor Organization (ILO) relevant to the promotional framework for occupational safety and health.

Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

3.5 Institutional Framework for Labor

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

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

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

1) Central Labor Authority (Article 106)

- The FGS Ministry of Labor is the Central Labor Authority for the purposes of implementing the labor Code.

- The Central Labor Authority, through the Legal and Labor Relations Department, shall ensure compliance with the provisions of this Code.
- The Head of the Labor Department shall have the rank of Central Labor Inspector.

2) District labor inspectorates (Article 107)

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

3) Duties of district labor inspectors (Article 108)

- The district labor inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and mediate in labor disputes falling within his competence.

4) Power of inspectors (Article 110)

- The Central Labor Inspector and district labor inspector shall have the power to:
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
 - b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
 - c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.

5) Individual labor disputes (Article 134)

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

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

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

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

CHAPTER 6: RESPONSIBLE STAFF

6.1 Responsible Staff

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

- Engage and manage consultants and contractors in accordance with this LMP and applicable procurement documents.
- Ensure that the grievance mechanism specifically for project workers is established and implemented and that project workers are adequately informed about it and trained on how to access it.
- Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents Monitoring the implementation of the Worker Code of Conduct.
- Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
- Provide training to all members of the PCU, as well as all project workers to raise awareness about compliance with national labor laws, including on terms and conditions of employment, occupational health and safety, child labor and forced/trafficked labor.
- Report to the World Bank on a quarterly basis on labor, and OHS performance and key risks and complaints.
- Undertake the overall implementation of this LMP.

6.2 Category of Workers under SERP

The purpose of the Labor Management Plan (LMP) is to facilitate planning and implementation of the project. The plan describes categories of workers to be engaged under the SERP and also provides indicative procedures to be adopted when addressing project related labor issues under OHS, SEAH and engagement provisions.

The project will engage below described categories of workers in the table below.

Table 6-1: Category of Workers under SERP

#	Category	Specific Workers	Percentage or Numbers to be Engaged under SERP
1	Direct Workers	PCU staff: A Project Coordination Unit (PCU) will be established to provide support services to the implementing FGS and FMSs MDAs and coordinate implementation at and between the FGS and FMSs as discussed in sub section 1.2	The PCU will comprise of an estimate 10 staff per member state for the 6 member states making the total number of PCU staff to be 60 staff across FGS and FMS
		Civil Servants²: SERP will engage civil servants as seconded from the Ministry of Finance in both FGS and FMS	An estimate of 20 civil servants of various skills in Public finance, Domestic Taxes and Public Sector management will be seconded in FGS while an estimate of 60 similar civil servants will be seconded in all the FMS.
		Consultants: The PCUs will be supported by Technical Assistants (TA) mostly under Component 1, 2 & 3 (which covers drafting of policies, programs, plans, strategies, laws and/or regulation)	The number of consultants will be determined once the procurement plan is prepared and approved by respective PCU in FGS and FMS. However the LMP estimates the number to be approximately 50 consultants likely to be hired under the project.
		Temporary staff: The project (PCU) will hire temporary workers as casuals, including the hired drivers (the number of employees will be determined on need-basis) especially under subcomponent 3.1 that relates to construction of office blocks and IT Labs	An estimate of 100 temporal staff will be engaged in both FGS and FMS under the Project, to guarantee gender inclusivity, 30% of the work force will be women and 20% of the work force will be sourced from the Local Community
2	Contracted Workers	These are people employed or engaged through third parties to perform work related to core functions of the project, regardless of location. There will be contractor workers engaged in the construction of structures to necessitate establishment and operationalization of the project activities especially under sub component 3.1 that relates to construction of office blocks and IT Labs or trainers who will be hired to offer Training and Capacity building under component 1,2,&3	An estimate of 200 contracted workers will be engaged in both FGS and FMS under the Project, to guarantee gender inclusivity, 30% of the work force will be women and 20% of the work force will be sourced from the Local Community
3	Primary Supply Workers	These are people employed or engaged by the FGS primary suppliers (primary supply workers), these will include suppliers of FMIS, HRMIS and other IT systems that might be required under component 1,2,&3 of SERP	The number of primary suppliers will be determined once the procurement plan is prepared and approved by respective PCU in FGS and FMS, an estimated of 100 is provided in this LMP.

² The Civil Servants will remain subject to the terms and conditions of their existing public sector employment, which are governed by Somalia's Provisional Constitution (2012) and no legal transfer of their employment or engagement to the project

6.3 Project Operational Manual

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

- Follow the labor management procedures and occupational health and safety requirements in line with the Contractors' ESMP provisions and stated in the contracts signed with Implementing Agency.
- Prepare site specific LMP and OHS plan in line with ESS2, WBG EHS Guidelines and GIIP that covers all worksites for which the contractor is responsible.
- Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Communicate clearly job descriptions and employment conditions to all workers including casual workers and access to workers GRM.
- Make sure every project worker hired by contractor/subcontractor is aware of the implementing agency dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe Labor and keep these records, provide induction and regular training to all workers on environmental, social and OHS issues, and keep these training records.
- In collaboration with Implementing Agency Safeguards Specialists, conduct training on Labor management procedures and occupational safety to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, and supervise compliance with the Code.
- independent labor audits commissioned by the PCU will be undertaken once every year

The LMP protocols will be developed once the PCUs are fully constituted with appropriate staff. For instance, the social safeguards officer oversees the implementation of the worker grievance mechanism and ensure appropriate stakeholder consultation (ESS10). Other functions include:

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

Table 6-2: Summary of Project Staff and Key Responsibilities

Responsibility Area	Direct and Contracted Workers	Primary Supply Workers
Hiring and managing individual direct workers	PCUs will oversee the work of consultants hired to support SERP activities	N/A (Outside the scope of ESS2)
OHS	Environment safeguards specialist that are part of the PCU will oversee the implementation of OHS measures. Refer the recommendation of the LMP	-The PCUs will assess the risk of serious safety issues by primary suppliers and as needed required to develop procedures to address these risks.
Child Labor and forced Labor	The contract does not allow child and forced Labor	Primary suppliers to adhere to child Labor requirements -PCU to review
Training	PCU /Contractors	N/A (Outside the scope of ESS 2)
Code of Conduct	The contract for direct workers will address relevant risks	
Grievance Mechanism	The contract for direct workers will address relevant Risks	
Monitoring and Reporting	PCUs, M&E, Third Party Monitoring (TPM) and report to the World Bank any significant work related accident within the 48 hours of its occurrence according to ESCP requirements and ESIRT procedures	Relevant PCUs to monitor and report to PCUs coordinator PCU to report to World Bank.

CHAPTER 7: POLICIES AND PROCEDURES

7.1 Labor Procedures

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. The following measures, highlighted will be followed by contractors and monitored by the Social Safeguards Specialist, to ensure fair treatment of all employees:

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

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

Occupational health and safety (OHS): Pursuant to the relevant provisions of the Labor Code known as Act No. 31 of 1972: Private Sector Employees Law (Law No. 31/2004), ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs), and WB standard procurement documents), the PCUs will manage the project in such a way that project workers and direct workers are properly protected against possible OHS risks including risks related to housing facilities (hygiene standards, with drinking water, restrooms and showers, safe electrical installation. As provided in the ESMF appendix 1, OHS risks associated with construction office blocks and IT labs will include but not limited to;

- Expose community members and workers to physical hazards on the project site
- Health and Safety risks associated with workers working in confined areas or workers working at heights such as on towers.
- Health and Safety Risks associated with fire at campsites or electric related fires at active work sites
- Expose community members and workers to traffic and road safety hazards
- Debris removal that may pose a safety hazard for the community and Workers
- Possibility that project’s activities might contaminate open wells, as a result of fuel leaks
- Possibility that the activity spreads pathogens and other pollutants that might lead to water borne diseases to workers on site (e.g latrines used on site where the office blocks and IT lab will be constructed)
- Possibility that project activities contribute to the spread of disease (e.g COVID 19 and other Communicable Diseases such as HIV/AIDS)

The contractors will also be required to produce Occupational Health Safety (OHS) policies and procedures, and plans in line with these provisions. Key elements of OHS measures include: (i) identification and risk assessment of potential hazards to workers; (ii) provisions of preventive and protective measures; (ii) training of workers and maintenance of training records; (iv) documentation and monitoring reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities.

Labor influx: It is estimated that the SERP will attract over 300 different categories of workers, who include 200 contracted workers working on construction sites for office blocks listed under component 3 and 100 primary supply workers providing construction materials or providing the IT softwares required for tax and financial management interventions listed under components 1,2 and 3. Therefore to minimize labor influx, the project will contractually require the contractors to preferentially recruit unskilled labor from the local communities and nearby areas. All contracted workers will be required to sign the Code of Conduct (CoC) prior to the commencement of work, which includes a provision to address the risk of GBV and SEA, as well as transmission of HIV/AIDS and other communicable diseases.

Labor disputes over terms and conditions of employment:

To avoid labor disputes, fair terms and conditions will be applied for all direct and contracted project workers (guided by relevant laws). The project will also establish and implement grievance redress mechanisms for all direct and contracted project for project workers in line with ESS2, to

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

Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7: The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the *Private Sector Employees Law (Law No. 31/2004)* on gender equality in the workplace, which will include provision of maternity and sick leave also provisions of civil service law Law No. 7/96. The contracts with third parties will include these requirements which will also be part of the monitoring system.

Security risks: The security situation in Somalia remains volatile and characterized by entrenched conflict between Al- Shabaab and the FGS, FMS and associated groups. Between 1st January 2021 and 1st August 2022, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,090 incidents of battles, explosions/remote violence and violence against civilians, causing 5,520 fatalities. The Security Risk Assessment Management Plan (SRAMP) Security Risk Assessment (SRA) provides an overview understanding of the current situation across Somalia (FMS) from a political and security perspective. Proposed interventions in addressing security challenges are indicated below;

- Screening out extremely high-risk areas, with a phased approach allowing reassessments and potential integration of areas where the situation improves over time;
- Risk management measures for moderate to substantial risk areas which remain volatile.
- Measures to scale down and or delay interventions in volatile areas with increasing risks informed by reassessments.

Gender-based violence (GBV) and Sexual harassment, exploitation and abuse (SEA/SH) among project workers and between project workers and members of local communities:

As detailed in SERP Sexual Exploitation And Abuse/Sexual Harassment Prevention And Response Action Plan, GBV is widespread in Somalia, and considered to be a major obstacle to equality, peace and development in the country. Despite the lack of comprehensive and reliable national population based GBV prevalence data, information that does exist indicates that GBV is common in the lives of women and girls across the life course in Somalia, with some forms of GBV endemic.

The plan further provides that some forms of GBV are normative in Somalia, including Female Genital Mutilation (FGM), child marriage and some intimate partner violence behaviors, in particular a man's use of physical violence to discipline or control his wife under certain circumstances.³ Other normative forms of GBV in Somalia include cultural practices of abduction

³ International Alert/CISP (2015) The Complexity of Sexual and Gender-Based Violence: Insights from Mogadishu and South

and forced marriage and widow inheritance.⁴ The extent to which each type of GBV is practiced and normative varies across regions of the country, and there are indications of apparent shifts in beliefs and attitudes that support FGM, child marriage and intimate partner violence within Somalia, as discussed in more detailed in the next section. However, in the absence of reliable quantitative and qualitative research, it is hard to assess the degree of attitudinal change. SERP project activities that could increase the potential for SEAH/GBV risks⁵ during implementation the project include;

- Large-scale influx of transient male workers into small and often rural host communities with low capacity to absorb the sudden increase of workers, this might apply under sub component 3.1 at sites proposed for construction of office blocks and Information Technology (IT) labs.
- Informal areas or in organisation where people have limited access to resources to report SEAH/GBV risks and receive support
- Presence of security personnel, who can provide protection but can also abuse their positions of power and status to perpetrate SEAH/GBV risks.
- Male workers transporting construction goods related to the project (e.g. truck drivers), who can perpetrate SEAH/GBV risks on routes and at truck stops associated with the project, even if not on the project site.
- Temporal workers who might be more vulnerable to SEAH/GBV risks due to short duration contracts or that potential perpetrators may go unidentified due to lack of background checks
- Income-earning opportunities for women through direct employment in construction or operations, or indirect employment (e.g. catering, traders), which may also increase household tension and create community backlash against women in areas where the perception is that they should not work outside the home

As detailed in the SERP SEAH plan, the project will require all PCU staff and other direct workers and contracted workers to sign the code of conduct (CoC), outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of actions that breach the CoC. Further, the PCU will identify a qualified trainer/consultant within the 1st year of Project effectiveness to offer training in GBV and SEA (the development partners may be approached to offer support with this training). The project worker grievance mechanism's functions will include complaints related to workplace sexual harassment submitted by project workers. As provided by the project SERP, the project Grievance Redress Mechanism (GRM) will establish a dedicated channel to address GBV/SEA/SH complaints in confidential, survivor-centered, robust and responsive manner.

Child Labor: The project will ensure that all direct and contracted workers engaged/employed in relation to the project are at least 18 years old. . This will be a requirement in all contracts with civil works contractors who will construct office blocks and IT labs. PCU safeguards specialist will ensure that no construction workers under the age of 18 years are employed/engaged in relation to the project.

⁴ Norwegian Country of Origin Information Centre (2018) Somalia: Marriage and divorce, Landinfo, Oslo.

⁵ <https://www.ifc.org/wps/wcm/connect/62316c4d-6518-4a7b-881d>

Forced labor: Project will not allow any form of forced labor, bonded labor, slavery, servitude, trafficking or other forms of involuntary or compulsory labor. The project will hold all contractors liable for the implementation of the LMP. The PCU will have overall responsibility to monitor the implementation of the LMP.

CHAPTER 8: AGE OF EMPLOYMENT

The SERP project implementing team will ensure that:

- SERP will only engage persons with a minimum age of eighteen (18) years and this will be enforced during recruitment and monitored by the contractors.
- Contractors will verify identity and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. Contractors will liaise with community members to attest to the age and conduct of all local hires and maintain a list of same.
- Liaise with labor inspectors/ concerned authorities, and conduct announced and unannounced inspection visits to work sites (related to the project).
- If a person under the minimum age of 18 is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

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

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

CHAPTER 9: TERMS AND CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 10: WORKERS' GRIEVANCE REDRESS PROCEDURE

As provided by ESS 2 para 21 to 23, a grievance mechanism will be provided for all direct workers and contracted workers 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 reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The worker grievance mechanism as discussed in this LMP is separate from the general project GRM.

The objective of this procedure is to ensure that, in line with ESS2, a grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns, including in relation to workplace sexual harassment. Contractors will develop contractor LMP including provision to establish and maintain worker grievance for their employees/workers in line with ESS2

Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. Prepare Worker Specific Grievance Mechanism for workers (Direct workers) as per this LMP. Workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use.

The LMP provides that workers can submit complaints about sexual harassment from other workers under the ESS2 grievance mechanism, workers can also submit complaints about sexual harassment from other workers through the general project GRM. Furthermore, persons from local communities who have complaints about SEA/SH/GBV in relation to project workers, are to use the general project GRM presented in the ESMF.

The procedure is listed below.

1. All contractors and sub- contractors with registered code of conduct or who sign an undertaking to comply with the provisions of the Labor Act for contracted workers and contractors who will comply with community meetings resolutions on applicable rules in the case of community workers.
2. Contractors induct the employee on the applicable workers' grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available for inspection by the PCU or the World Bank.
3. 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.
4. The supervisor will verify the details and seek to address the matter within the shortest time up to 48 hours.
5. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found.

6. Where no resolution is found, the employee can escalate the matter to the sector specific institutions or courts who will resolve the matter between employer and employee. The Supreme Court's decision is final.
7. 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 PCU, for example through the Project Grievance Redress Mechanism (GRM). The PCU, in this case, will accommodate a fair agreement between the worker and the contractor.
8. The Contractor shall keep records of all proceedings of grievance redress that are within its jurisdiction and furnish the PCU as part of the periodic progress reporting to the PCU.
9. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the SERP GBV/SEA Action Plan referral pathways and complaints resolution mechanism.
10. In case of risk of retribution, the employee may immediately escalate to the court system or to the PCU as noted under. If confidentiality is requested, the PCU will ensure it to avoid any risk of retribution, including in its follow-up actions.

CHAPTER 11: CONTRACT MANAGEMENT

11.1 Key Procedures

The SERP will promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions, this will be achieved by conforming to procedures discussed below.

11.2 Recruitment and Replacement Procedure

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

The procedure is listed below.

1. Hiring entity submits a recruitment plan to the PCU for review and approval. The following details will be shown;
 - Number of staff required
 - Intended working condition
 - Intended locations of staff
 - Job specifications in terms of qualification and experience
2. Hiring entity publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for the hiring of workers from local communities) to ensure all potential candidates have access to the information, including women, actively addressing risks of nepotism.
3. Shortlist and recruit candidates ensuring the following;
 - As much as possible, 50% shortlisted candidates are women.
 - As much as possible, 50% engaged employees are women.
 - Screen off candidates under the age of fifteen years.
4. On recruitment, ensure a contract of employment is signed voluntarily, for both direct and contracted workers.
5. Before commencement of work, hiring entity will ensure employee is inducted on the essential work-related issues as listed in appendix B, which include the following;
 - Key Job Specifications
 - Terms and Conditions of Employment
 - Special Codes of Conduct
 - Disciplinary Procedures
 - Workers' Grievance Mechanism

- Freedom to join and participate fully in Workers Association activities or Trade Union
 - Key Environmental and Social aspects of the SERP and the ESMF
 - Emergency Preparedness
6. Maintain all such employment records available for review by the PCU, the World Bank, or Regulatory Authority.

11.3 Occupational Health and Safety Procedures

The objective of the procedure is to achieve and maintain a healthy and safe work environment for all project workers (contracted workers) and the host community in line with national law and ESS2 and WBG EHS Guidelines.

1. On procurement for contractors, the PCU will avail the ESMF including all separately prepared and all Sub Plans such as the LMP to the aspiring contractors so that contractors include the budgetary requirements for occupational health and safety and community health and safety measures in their respective bids.
2. The contractor will develop and maintain an occupational health and safety management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety which can be found at

<http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf>.

3. Contractor will adopt the sub-project ESMPs and where necessary develop Contractors Environmental and Social Management Plans (C-ESMPs) to help manage construction risks.
4. Contractor appoints an appropriately qualified and experienced Safety Health and Environmental Officer whose responsibilities is to advise the employer on Health and Safety related issues including developing Safe Systems of Work and Permit-to-work for high-risk activities (electricity, working at heights, etc)..
5. Contractor provides preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances informed by TRA and SWP, further the Contractor will provide PPE to the workers according to WBG EHS Guidelines
6. .
7. Contractor provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety subjects including TRA and SWP.
8. Contractor documents and reports on occupational accidents, diseases and incidents.
9. Contractor provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to;

- Workplace accidents
- Workplace illnesses
- Flooding
- Fire outbreak
- Disease outbreak
- Labor unrest and
- Security

10. Contractors to comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation including WB EHS guidelines.
11. Contractors shall maintain all such record for activities related to the safety health and environmental management for inspection by the PCU or The World Bank.

11.4 Contractor Management Procedures

This procedure confirms that the PCU has contractual power to administer oversight and action against contractor noncompliance with the LMP.

The procedure is detailed below

1. The PCU shall avail all related documentation to inform the contractor about their requirements for effective implementation of the LMP.
2. Before submitting a bid for any contract, the contractor shall incorporate the requirements of ESMF and the LMP
3. Contractor to formulate, implement and review contractor Environment and Social Management Plans (C- ESMPs) as required by the ESMF and specifically the LMP including
 - Occupational health and safety plans
 - Labor Management Plan
 - Code and Conduct for employees
 - Waste management plan
 - Emergency plan
4. Contractor to submit the progress reports on the implementation of the LMP and allow the PCU access to verify the soundness of the contractor's implementation of the requirements of the LMP.
5. Where appropriate, the PCU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP. The following are some of the major noncompliance that contractors need to take note of;
 - Failure to submit mandatory quarterly progress report
 - Failure to avail for inspection specified documentation pertaining to the implementation of the ESMP, C-ESMP and LMP

- Failure to timely notify and submit incident and accident investigation report
- Failure to appoint or replace a competent and experienced EHS officer
- Failing to enforce C-ESMPs including provision of OHS
- Recruitment of nontechnical staff from outside the local community.

11.5 Labor Influx Procedure

The objective of this procedure is to capacitate the PCU all implementers and contractors to mitigate the labor influx risk and impacts. The influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behavior and crime, including GBV cases.

The procedure is listed below

1. Contractor shall ensure that all non-technical work is reserved for locals (identifiable with the host community and witnessed by host community leadership)
2. Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.
3. Contractor liaises with local leadership on enrolment for community workers while at the same time ensuring that no grievances derive from nepotism via utmost transparency in the selection process, announcing hiring campaigns early enough in community consultations and/or other outreach activities.
4. Where there are camp establishments, Contractor shall ensure camp management and community relations are good. If labor camps are required, special management plans need to be developed, or if smaller establishment, camp management reflected in the ESMP.
 - Security within camp
 - Social relations with community members should be cordial and consistent with GBV and SEA
 - Waste management
Water and sanitation
 - Proper camp demobilization
5. Establish code of conduct for contracted workers' interaction with the host community. This may include;
 - Access to camp by children, non-employed girls and women
 - Appropriate language
 - Time restrictions where required
 - GBV/SEA

- Good conduct if small numbers of workers are accommodated in communities rather than camps (requirements on when to establish a camp shall be included in the POM)
6. Contractors should have own supply of, pay for accommodation offered by community to contracted employees.
 7. Contractor shall ensure that local supply shall not negatively impact the availability of resources for the local communities and sourcing of local wildlife shall be prohibited.
 8. Contractor shall provide a fully equipped first aid kit.
 9. Contractors to mainstream HIV issues in the workplace by providing HIV prevention training during induction and continuously during employment through health and safety talks.
 10. Contractor to have, be fully aware of and be ready to implement the Workers' Grievance Redress Mechanism since they are the face of the Project on the ground.

11.6 Procedure for Non-Discrimination and Equal Opportunity

In accordance with ESS 2, this procedure ensures that decisions relating to the employment or treatment of contractors and primary supply workers will not be made on the basis of personal characteristics. It will be based on the principle of equal opportunity and fair treatment. The objective of this procedure is to ensure that recruitment and treatment of Project workers is based on the principle of equal opportunity and fair treatment.

Procedure

The PCU and all contractors/implementers will apply the following guidelines when dealing with workers.

1. there will be no discrimination with respect to any aspects of the employment relationship, such
 - 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
2. harassment, intimidation and/or exploitation will be prevented or addressed appropriately
3. Special measures of protection and assistance to remedy discrimination or selection for a particular job will not be deemed as discrimination.
4. vulnerable Project workers will be provided with special protection on security risks under the project, these include:
 - Women
 - Persons with disabilities
 - IDPs

- LGBTQ persons
- Persons from ethnic/clan minorities
- Persons from religious minorities
- Persons with HIV/AIDs or serious illness

CHAPTER 12: PRIMARY SUPPLIERS WORKERS

Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the Project. Although suppliers may be sub-contracted by other implementers, the PCU has oversight on the implementation of the LMP requirements in this category.

The objective of the procedure is to ensure that labor related risks, especially child and forced labor as well as serious safety issues to the Project from primary supply workers are managed in line with the requirements of ESS2.

The procedure is detailed below.

1. Procure supplies from legally constituted supplier. The legal registration ensures that the company is legally obliged to comply with all applicable labor laws in Somalia, which makes it possible to assume mainstreaming of the labor laws within the supplier's firm. This will include ensure evidence of Certificate of incorporation
2. Make a physical check on the supplier's labor management according to WB standards (ESS2 and WBG EHS guidelines), including;
 - Occupational safety and health
 - Any past work related environmental or occupational incidents
 - Age restrictions (18 and above)
 - Employment is voluntary
3. Where a significant risk of child or forced labor or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers.

CHAPTER 13: Monitoring, Reporting and Budget

13.1 Monitoring and Reporting

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

Fatality and serious incidents: In the event of an occupational fatality or serious injury, the PCUs shall report to the World Bank as soon as it becomes aware of such incidents and inform the MoF in accordance with national reporting requirements, typically within 24 hours for a fatality, 48 for a serious injury. Corrective actions shall be implemented in response to project-related incidents or accidents.

13.2 Budget for Implementation of LMP Activities

Table 13-1 below provides an indicative budget developed for implementing the LMP

ANNEXES

Annex 1: Guidelines on Code of Conduct

Guideline on Code of Conduct

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

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

DOs

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

DON'Ts

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

Annex 2 : Sample CoC

Suggested CoC Template on the Company Headed Paper

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

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

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

REQUIRED CONDUCT

Contractor’s Personnel shall:

- 1) Carry out his/her duties competently and diligently
- 2) Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person
- 3) Maintain a safe working environment including by:
 - Ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health
 - Using appropriate measures relating to chemical, physical and biological substances and agents
 - Wearing required personal protective equipment
 - Following applicable emergency operating procedures.
- 4) Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health
- 5) Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children
- 6) Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel.
- 7) Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.
- 8) Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- 9) Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage.

- 10) Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH).
- 11) Report violations of this Code of Conduct.
- 12) Not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

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

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors constituting Sexual Harassment (SH)

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

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

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

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

Examples of acts of sexual exploitation and abuse;

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

