



**Ministry of Transportation  
of the Republic of Tajikistan**

# **LABOR MANAGEMENT PROCEDURES**

For  
THE CENTRAL ASIA ROAD LINKS  
PROJECT PHASE 4

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## ABBREVIATIONS AND ACRONYMS

CARs	Central Asia Regional Links Program
ECA	Europe & Central Asia
ESS	Environmental and Social Standard
GBAO	Gorno-Badakhshan Autonomous Region
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
LMP	Labour Management Procedures
M&E	Monitoring and Evaluation
MOT	Ministry of Transport
OHS	Occupation health and safety
PIG	Project Implementation Group
PR	Public Relations
SNiP	Standard Norm and Regulation
WB	World Bank

## INTRODUCTION

The Central Asia Regional Links Program (CARs) consists of a series of projects (SOP), of which Phase 1 and Phase 2 are under implementation. They have evolved from having a single focus on cross-border transport connectivity towards comprehensive integrated regional development, improving regional connectivity and creating market opportunities. The objectives of Phase 1 (CARs-1 Project in Kyrgyzstan) and Phase 2 (CARs-2 Project in Tajikistan) are to increase transport connectivity between Tajikistan and Kyrgyz Republic along priority cross-border road links in the populated Fergana Valley, and to support harmonization and improvements in road operations and asset management practices in the countries. Phases 1 and 2 are scheduled for completion in the next two years. The new generation of this series of projects (SOP), namely Phase 3 (CARs-3) in Kyrgyzstan and the proposed Phase 4 in Tajikistan, strive to address regional integration in a more comprehensive approach encompassing both physical and economic connectivity among neighboring countries, while also unlocking economic opportunities by promoting local integrated development in a spatially identified area.

The proposed CARs-4 Project will contribute to the achievement of key priorities of Tajikistan's National Development Strategy until 2030, including its ambitious public-infrastructure investments to (i) ensure highest-possible development impact; (ii) allow the country to take full advantage of emerging commercial opportunities; and (iii) avoid potential risks of macro-fiscal sustainability. Taking advantage of the country's strategic location is at the forefront of its development endeavor and the government of Tajikistan sees the proposed CARs-4 project as a multi-phase program to address long-term development challenges through an adaptive and programmatic approach within the existing regional connectivity program.

The development objective of the proposed Fourth Phase of the Central Asia Regional Links Program (CARs-4 Project) is to increase regional connectivity in Sughd Oblast, Khatlon Oblast and Gorno-Badakhshan Autonomous Region (GBAO) and improve opportunities for trade and travel.

The Central Asia Road Links Project- Phase 4 includes the following components:

**Component 1. Improve regional connections in Sughd Region and GBAO Region.** This component's objective is to increase connectivity along regional priority trade and travel routes and provide access to markets and opportunities. Activities to be financed in the CARs-4 Project include: (i) rehabilitation of Spitamen/ Bekobod - Dehmoi-Gafurov road section (Sughd), construction of Khorog bridge towards Murgab and Ishkashim as well as tunnels/ galleries and bridges around Barsem (GBAO); (ii) construction supervision services; and (iii) the feasibility studies and other preparation documentation covering improvements to regional connections in Khatlon and GBAO Oblasts, a potential future operation. The proposed civil works areas are as follows:

Oblast	Section	Length	Category of the road
Sughd	Spitamen/Bekobod – Dehmoi	12 km	III
Sughd	Dehmoi – Gafurov	26 km	III
GBAO	Khorog (bridge) towards Murgab and Ishkashim	300 meter	New construction
GBAO	Barsem (Tunnel/ Galleries and Bridge)	3.5 km	III
Khatlon	Guliston – Kulob	35 km	II

**Component 2. Improve road assets preservation and transport resilience.** To enhance preservation of road assets and its sustainability, the ongoing CARs2 operation has supported various elements of road asset management system, (RAMS), including development of strategic plan on weight and axle load control, design and installation of a high-speed dynamic weigh-in-motion (WIM) system, supply of roughness profiler, and development of software for RAMS. While MOT has created a foundation for a RAMS in Tajikistan through these activities, there are remaining gaps to achieve full functionality and sustainable operation of the RAMS. This component will support scaling of WIM systems to preserve road assets and streamline transport operations in line with international practice, and other small goods or consultants' services to build MOT's capacity to fully operationalize RAMS. This component will also finance climate change vulnerability assessment and hazard mapping (with GIS references) along the Dushanbe-Kalaikhum-Khorog-Murghab corridor focused on GBAO region.

**Component 3. Facilitate cross-border movement of goods and people.** This component has the objective to facilitate the process of cross-border movement of goods and people, including support towards the implementation of policy and institutional reforms, financing of equipment and facilities (e.g. terminals) as well as capacity building. This will build on and complement support by development partners to align Tajikistan's standards with international practice and modernize procedures of cross-border movement of goods and people. The component will include the development of a diagnostic and comprehensive reform program and implementation plan on addressing regulatory and procedural trade barriers. Subject to priorities identified under the reform program this component would support upgrading of the existing customs IT system to increase automation and may include goods, small-scale works or consultants' services, including Technical Assistance to support institutional reform.

**Component 4. Support project implementation, coordination and management.** This component includes support towards project implementation, coordination and management including provision of goods, consultants' services and training, operating costs and financial audit.

**Component 5: Contingent Emergency Response.** This zero-dollar component is designed to provide swift response in the event of an eligible crisis or emergency, by enabling Tajikistan to request the World Bank to reallocate project funds to support emergency response, and reconstruction, where needed. A Contingent Emergency Response Component (CERC) annex will be included in the Project Operations Manual (POM), specifying the implementation arrangements for the component, including its activation process, roles and responsibilities of implementing agencies, positive list of activities that may be financed, environmental and social aspects, and fiduciary arrangements.

This LMP is prepared to address ESS 2 related impacts and risks for employers in framework of the activities proposed under the section of project road and the reconstruction.

## **OVERVIEW OF LABOR USE ON THE PROJECT**

### **Number of Project Workers**

The exact number of project workers which will be engaged in relation to the Project is, currently, not known yet. The bidding documents for the construction of project The Central Asia Road Links Project- Phase 4 (*Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, Guliston-Kulob road, Construction of new bridge in Khorog city, Construction of tunnel/avalanche-protection galleries and bridge at Barsem village*) are still in the process of preparation. It is estimated that the tender will be announced in 2020-2021. The number of workers to be involved in the construction phase

is be estimated based on experience gained from the similar projects undertaken in Tajikistan and worldwide. It is estimated that the roughly total number of workers for the construction of the new projects The Central Asia Road Links Project- Phase 4 (*Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, Guliston-Kulob road, Construction of new bridge in Khorog city, Construction of tunnel/avalanche-protection galleries and bridge at Barsem village*) would be 720-980 persons. It is not expected that any single construction site would ever have more than 190 persons at the time. The main construction crews would include the following:

- Two earth works (cut& fill & load & compact) crews – It is estimated that about 30 to 40 workers would be employed in each crew. It is estimated that most or all workers are likely to be from local and regional labor force.
- For the bridge & tunnel and galleries (exact number of structures is not identified yet, therefore approximate crews are as follow:) crews – It is estimated that 100-150 workers would be employed in each project.
- Five construction (station) crews for each project– About 150-200 workers would be employed in each crew consequently for each project. It is expected that, most or all workers are likely to be from local and regional labor force.

Maintenance and repair crew – About 20-30 people will be employed in each crew to maintain and repair areas as soon as possible after the completion of works of previous crews.

#### **Timing of Labor Requirements:**

It is expected that the construction phase of the projects The Central Asia Road Links Project- Phase 4 (*Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, Guliston-Kulob road, Construction of new bridge in Khorog city, Construction of tunnel/avalanche-protection galleries and bridge at Barsem village*) would last approx. 24-36 months. It is estimated that there will be at least five main crews responsible for the construction of the projects (*Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, Guliston-Kulob road, Construction of new bridge in Khorog city, Construction of tunnel/avalanche-protection galleries and bridge at Barsem village*), and each made up of teams to complete specific jobs, such as excavation, various methods of ground works, earth compaction, structure construction, embankment for the road construction and excavation, & sub-grade, sub-base & base, construction of the pavement works such as asphalt, tunnel drilling and blasting (rock excavation works), bridge construction, road facilities, drainage works, retaining wall, slope stability. About thirty percent of the workers will be unskilled laborers, with semi-qualified and qualified positions such as managers, engineers, foreman, technicians, excavator-motor grader-soil compacters-loader-dump trucks-finisher- rail tamping machine-ballast distributor machine etc. operator's workers. Majority of unskilled labor is likely to come from local communities, while other workers are expected to come from other parts of Tajikistan, and managerial and technical staff from the contractor's home country.

It is expected that Project will engage the following categories of project workers as defined by ESS2:

**Direct workers:** Direct workers would likely include project managers and supervisors technical staff. Direct workers would likely include head of departments and supervisors (civil engineers, technicians, electric engineers). The estimated number of direct workers would not likely exceed 20 staff from the construction department, survey& project department, occupational health and safety unit. It is estimated that the direct workers would include current PIG & MOT employees from different departments who will be assigned to work on this Project.

It is expected that direct workers would also include independent consultants, who are specialized in certain disciplines (such as social safeguards and

environmental subjects). Consultants do not have the status of the civil servants and Labor Code shall apply to their terms of employment.

Civil servants (members of the PIG) involved in project operations, regardless of whether they work full time or part time, will continue to work under terms and conditions of their existing contracts or appointments in the public sector. ESS2 provisions on occupational health and safety, and prohibition of child and forced labor shall apply to civil servants engaged in the project.

***Contracted Workers:*** Contracted workers would be hired under, construction contractor(s). As the Bidding includes construction of projects The Central Asia Road Links Project-Phase 4 (Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, Guliston-Kulob road, Construction of new bridge in Khorog city, Construction of tunnel/avalanche-protection galleries and bridge at Barsem village); there is probability that two separate contracts will be awarded. One contractor will construct the Spitamen/Bekabad-Dehmoi road, Dehmoi-Gafurov road, and another one the Construction of new bridge in Khorog&Barsem village. Each contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. It is estimated that the Project would engage between 270 and 350 contracted workers.

***Primary Supply Workers:*** Primary suppliers of materials and goods required for the project may be either national or international. People employed or engaged by project's primary suppliers of goods and materials for its core function (construction materials, equipment, software development and machineries for road asset management system (RAMS), high-speed dynamic weigh-in-motion (WIM) system, supply of roughness profiler, IT equipment etc.) will be hired under the primary supplier companies.

***Community workers:*** Community workers will not be employed in relation to this Project.

***Migrant workers:*** It is expected, that the project will require a combination of local workers from nearby villages and workers from other parts of Tajikistan and possibly from another country. The previous experience with the road construction projects shows that the contractor and subcontractors will probably hire employees from different regions of Tajikistan; these "internal migrants" would be workers who already have experience working on earthworks and road construction, also structure construction in different parts of the country. Based on previous experience the distribution could be about, 40 percent from other parts of Tajikistan, and 60 percent from the local area.

Taking into account the nature of the road construction projects and characteristics of labor force market in Tajikistan, it is expected that the number of female workers will be low. It is estimated that women would represent about 5-10 percent of the workforce, and those would likely the operation offices and camps (cooks, cleaners etc.). Based on previous experience, all workers will be over 18 and would likely average 30-50 years old.

## ASSESSMENT OF KEY POTENTIAL LABOR RISKS

### Project activities

Construction of Spitamen/Bekabad-Dehmoi road requires road, with total length of 12.2 km, ends at checkpoint «Hashtiyak» of Spitamen city, Sughd Oblast, at the border with Republic of Uzbekistan. The road passes through Kurush jamoat, with population of more than 30.0 thousand people. In accordance with SNiP, the project site belongs to III technical category.

Construction of Dehmoi-Gafurov road with total length of 35.9 km is located in the north part of the country in Sughd oblast. This road passes through 4 jamoats with total population of more than 160.0 thousand people. In accordance with SNiP, the project site belongs to III technical category.

Construction of new bridge in Khorog city is due to the need to redirect loaded trucks that are currently passing through the centre of densely populated city, thereby alleviating the situation with traffic jams and ensuring the safety of pedestrians and other road users.

Construction of tunnel/avalanche-protection galleries and bridge at Barsem village is due to the regular avalanching on this section of road. In order to ensure year-round and safe traffic of vehicles on this section, it is necessary to construct avalanche-protection structures.

Construction of this type of projects typically includes the following activities:

- Earth works (Cut and Fill soil works & rock excavation, soil grading, soil compacting, soil stabilization etc.)
- Mapping, geodesy (survey) and topographical works & design works
- Construction of bridges, tunnels, retaining walls, drainage works and gallery
- Road construction (embankment construction, sub-grade layer, sub-base layer, base course layer and pavement works);
- Construction of road facilities
- Construction of bus stops, footpath
- Road marking and lightning

### Key Labor Risks and Mitigation Measures

It is assessed that key labor risks would be associated with health and safety risks related to the construction activities of road and structures as exposure to physical, chemical and biological hazards during construction activities such as: use of heavy equipment, trip and fall hazards, exposure to asphalt fumes, noise and dust, falling objects, **injuries from blasting work**, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery.

There are risks of Gender Based Violence that is forbidden. Therefore, each person before signing contract for work should sign code of conduct as well. A code of conduct is a set of rules outlining the norms, rules, and responsibilities or proper practices of individual party or an organization.

As a rare case, however need for consideration for labor risks force majeure situation such as Coronavirus disease (COVID-2019) Corona Virus situation. Mitigation measures for such global worldwide emergency situation is only following the requirements and regulation of World Health Organization.

According to the laws of the Republic of Tajikistan Chapter 37. Rights and Obligations of Employee and Employer on Labor Safety (Article 345). The Employee has the rights to workplace meeting the labor safety requirements, sanitary and amenity facilities, personal and collective protection tools, uniform according to the labor safety requirements, as well as labor contract,

collective agreements and contracts. Based on the labor safety requirements it is necessary that all workers on construction site should have helmets, protective gloves, reflected vest and protective shoes etc.

At the same time based on the (Article 346) Employee's Obligations on Labor Protection. The Employee is obliged to immediately inform his/her line supervisor about any job-related accident, factors of occupational diseases (poisoning) as well as other cases threatening human life and health. Also pass compulsory pre-employment and periodical medical examination during employment and other cases envisaged by the Tajik legislation. Employee must attend instruction sessions and training courses on labor protection and the safe methods of their fulfilment, on-job internship and regular tests on labor protection requirements. However, frequency of training courses is not mentioned in (Article 346). Usually training courses on labor protection are given at the beginning of the work and every three months.

Additionally, during construction period if any blasting activities are required it is necessary, first of all, arrange mitigation measures in order to prevent risks of injuries and accident. Any dangerous works involving blasting activities require special permission from the secured department and special measures to prevent accident. Blasting activities also have to be notified in advance to workers and surrounding communities.

As the construction activities will involve hazardous work, *persons under the age of 18 will not be employed* by the Project. To ensure that person under 18 years old will be not hired before entering to position it is necessary to submit identification card (passport) and medical check-up. In order to prevent labour and child forced power it is necessary to follow several steps. First of all, what is forced labour?

The ILO Forced Labour Convention, 1930 (No. 29) defines forced or compulsory labour 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*” (Art. 2.1). The Convention provides for certain exceptions, in particular with regard to military service for work of a purely military character, normal civic obligations, work as a consequence of a conviction in a court of law and carried out under the control of a public authority, work in emergency situations such as wars or other calamities, and minor communal services (Art. 2.2).

Forced labor is closely linked to human trafficking. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the so-called “Palermo Protocol”), adopted in 2000, defines human trafficking as “the recruitment, transportation, transfer, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. The Protocol further specifies that “exploitation on” shall include at a minimum “forced labour or services, slavery or practices similar to slavery” as well as other practices – which are not covered in these guidelines – such as the removal of organs. The consent of a victim of trafficking to the intended exploitation is irrelevant where any of the means specified have been used. In the case of a child, there is no need for any of the means cited above to be used; the child is a victim of trafficking if he or she is subject to recruitment, transportation, transfer, or receipt for the purpose of exploitation.

Many workers will be exposed to occupational health and safety hazards, primarily including but not limited to:

- Exposure to chemicals (asphalt fumes, pulverized silica, rail lubricants, fuels, solvents, paints)
- Welding hazards (Aluminum Thermite welding fume emissions, burns and radiation)
- Excavations, earth works hazards vibration

- Vibration of heavy construction equipment
- Dust, Noise
- Traffic accidents.
- Lifting of heavy materials
- Accidents with exposed rebar's
- Ergonomic hazards during construction
- Environmental hazards (insects, wasps, bees, etc.)
- Electrocutions and arc fault burns
- Electrical works

There is employment risk related to hiring without contract. Therefore, in Labor Code of the Republic of Tajikistan (Article 24) and (Article 25) highlighted Labor relations between the Employee and the Employer the subject of labor contract.

No other labor risks are considered to be significant. Based on the experience with construction projects in Tajikistan, it is assessed that *overtime hours* may be a potential labor risk. Thus, according to the in Labor Code of the Republic of Tajikistan (Article 79) Overtime is used in exceptional cases as defined by Article 79 of the Code by consent of the Employee on the basis of and in accordance with the procedures defined by the Employer in mutual agreement with employee representatives. To prevent risks concerning overtime both parties Employer and Employee should follow requirements as defined in Article 79 of the Labor Code of the Republic of Tajikistan to avoid misunderstandings regarding the overtime payment.

Additionally, for labor risk mitigation according to the Labor Code of the Republic of Tajikistan Article 355. Labor Protection in Organization: Labor protection office directly accountable to the Head of organization shall be established to ensure labor protection in organization with more than 50 staff members. In case the employees are less than 50, the Employer makes a decision on establishment of labor protection office or introduction of the position (post) of labor protection officer depending on the nature of organization's operation, or delegates the responsibilities on labor protection to another specialist. Sample regulation of labor protection office within Organization shall be approved by the authorized public entity on labor and employment.

## **BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS**

### **Types of Employment Contracts**

As per the Labor Code, the main categories of employment contracts are: definite (fixed term) and indefinite (open-ended), full time and part time contracts, continuous and transitory contracts; seasonal; temporary; employment contracts with or without trial periods; provisional employment contracts; and team (gang) employment contracts. Employment which lasts only up to 30 days is transitory; and employment which requires a longer period is continual. If employment is transitory, provisions of the Obligations Act shall apply on certain matters as define by the Labor Code.

Article 22 of the Tajikistan Labor Code embraces the principle that all employees should be treated equally. Accordingly, employers cannot treat temporary and agency workers or part-time workers differently from the permanent employees unless justifiable grounds exist for the different treatment.

### **Wages and deductions**

#### ***Article 139. Deterring the size of employee's salary***

The Employee's salary is determined based on the amount and quality of performed work. The labor spending measurements (norms of processing, norms of time, norms of services), which are determined by the employee representatives based on the minimum salary rate, tariff norms and

grade ratio according to the level of technical, technological and industrial achievements in case of ensuring favorable working environment for employees.

Salary size shall be determined in mutual agreement between the Employer and Employee. The salary cannot be less than the minimum rate determined by the Government and shall not be limited by any maximum rate.

The salary payment system, tariff scale, salaries and other types of remuneration are determined by:

- for employees of budget funded organizations – legislative documents and other legal and regulatory documents of the Republic of Tajikistan;
- for employees of organizations funded by mixed sources (partially by budget and by entrepreneurship) - legislative documents and other legal and regulatory documents of the Republic of Tajikistan, as well as labor contract, collective agreements and contracts and Organization's internal (local) regulations;
- for employees of other organizations - labor contract, collective agreements and contracts and organization's internal (local) regulations.

The Employer has the right to determine various systems of reward, monetary encouragement and additional payments in mutual agreement with employee representatives.

Pursuant to Article 158 (Tajikistan Labour Code) Any worker whose wage is not paid at the end of the month or delayed by the fault of Employer. The employer is obliged to additionally pay the employee funds in the amount of the bank interest rate existing at the place of work on the day of payment for each day of delay.

The terms for the payment of wages are established in an employment contract, agreement and collective bargaining agreements or other local regulatory act and may not be less than once every half month.

If the salary payment day coincides with the weekend and non-working holiday, its payment is made on the eve of this day.

Upon dismissal of an employee, all amounts due to the employee are paid on the last day of work.

Salaries not received by the employee by the day of death are issued to his family members or to the person who incurred the costs of the funeral.

In case of a delay due to the fault of the employer of the payment of wages in comparison with the established deadlines, the employer is obliged to additionally pay the employee funds in the amount of the bank interest rate existing at the place of work on the day of payment for each day of delay.

The employer is responsible for the delay in payment of wages, in accordance with the legislation of the Republic of Tajikistan.

Pursuant to Article 157 (Tajikistan Labour Code) Remuneration of labor in case of non-compliance with production standards, marriage, downtime, as well as in the development of new industries (products)

In case of non-compliance with production standards, marriage and downtime not due to the fault of the employee, he retains the average monthly earnings.

If the production standards are not complied with through the fault of the employee, payment is made for the work actually performed.

Complete defective products and simple employee faults are not payable. Partial defects due to the fault of the employee are paid at lower prices, depending on the degree of validity of the products, set by the employer after agreement with the representatives of the workers.

The marriage of products due to a latent defect in the material being processed, as well as the marriage through no fault of the employee, discovered after acceptance of the products by the technical control body, shall be paid on a par with suitable products.

The amount of remuneration of employees during the development of new production (products) is determined in the employment contract, agreement and collective agreements.

### **Working hours**

According to the Tajikistan Labour Code (Article 67); The regular length of working time in Organization shall not exceed 40 hours in a week.

The working time also includes preparatory and finalization activities (receiving position (post)-related instructions, materials, tools, familiarization with office equipment, documents, preparing and cleaning workplace, handover of final products and breaks according to labor arrangement technologies, rules of labor classification and protection, time of presence or waiting time, the free time not used by the staff at its own discretion, time on duty during non-business days and holidays and other periods defined in the labor contract, collective agreements and contracts, the Employer's documents or legal and regulatory documents of the Republic of Tajikistan.

Reduced length of working time of not more than 35 hours a week is defined for the employees exposed to the negative impact of physical, chemical, biological and other factors during the employment process. The Government of the Republic of Tajikistan approves the list of production, workshops, occupations and positions entitled to reduced length of working time. (Article 66).

The workers shall be informed of the starting and ending times of daily working periods as well as of break times.

Starting and ending times of the working period may be arranged differently for workers, according to the nature of the work. (Article 66).

### **Periods reckoned as working period**

According to the Tajikistan Labour Code; The following periods shall be reckoned within the daily working period of the workers.

The working time duration can be regular, reduced or part-time.

The working time also includes preparatory and finalization activities (receiving position (post)-related instructions, materials, tools, familiarization with office equipment, documents, preparing and cleaning workplace, handover of final products and breaks according to labor arrangement technologies, rules of labor classification and protection, time of presence or waiting time, the free time not used by the staff at its own discretion, time on duty during non-business days and holidays and other periods defined in the labor contract, collective agreements and contracts, the Employer's documents or legal and regulatory documents of the Republic of Tajikistan. (Article 66)

As per the (Article 67) of the Tajikistan Labor Code regular length of working time. Regular length of working time in Organization shall not exceed 40 hours in a week. The labor contract, collective agreements and contracts may envisage shorter working time with the salary for regular working time.

According to the (Article 68) of the Tajikistan Labor Code regarding reducing length of working time. Reduced length of working time without reduction of remuneration shall be applied towards a selected group of employees based on their age, health, nature of their employment duties and other circumstances envisaged by this Code and other legal and regulatory documents of the Republic of Tajikistan, as well as the labor contract.

The reduced length of working time is applied for the following persons:

- Women and other individuals with family commitments;
- Employees with disabilities;
- Employees engaged in hazardous or special work.

### **Overtime hours and overtime payment**

As per Article 79 of the Labor Code of the Republic of Tajikistan, works which exceed forty hours a week are defined as overtime. An employer may request employees to work overtime. The employee's consent shall be required for overtime work.

Overtime for every employee shall not exceed 120 hours a year. Involvement of employees in overtime is exercised in compliance with the restrictions for employees with disabilities, women, individuals with family commitments and minors defined by this Code. It shall be prohibited to work overtime in case of 12 hour shift and also the works with especially severe and harmful conditions.

Employees under age of 18, pregnant women, and breastfeeding mother cannot be required to work overtime.

### **Weekly rest day and rest breaks**

According to the Labor Code of the Republic of Tajikistan (Article 86). All employees are granted weekends (regular weekly weekends).

Employees are granted two days of weekend in a five-day working week and one day of weekend in a six day working week accordingly.

Sunday is a general weekend. The second day of weekend in a five-day working week is determined according to the Organization's timetable. Both days of weekend are granted consecutively.

In the organizations, where it is impossible to stop operation due to the industrial and technical conditions or the need for continuous supply of population, as well as other organizations with uninterrupted operation, the weekends are granted in various days of week to different groups of employees according to the shift timetable approved by the Employer in preliminary consultation with employee representatives.

Based on the (Article 87) of the Labor Code of the Republic of Tajikistan concerning Prohibiting Work on Weekends. Exceptional Cases of Employee Involvement in Work on Weekends. It shall be prohibited to work on weekends. The employees can be involved in work on weekends based on mutual agreement with the employee representatives in the following exceptional cases:

- To prevent and eliminate the consequences of natural disasters, job related accidents or immediately overcome their consequences;
- To prevent incidents, casualty and destruction of property;
- To implement urgent activities foreseen in advance, fulfillment of which is important for further smooth operation of organization or its selected departments;
- In other cases envisaged by the Tajik legislation and Organization's internal (local) regulations.

Employees' involvement in work on weekends is exercised in compliance with restrictions defined by this Code and other legal and regulatory documents of the Republic of Tajikistan for employees with disabilities, women, persons with family commitments and minors.

According to the Labor Code of the Republic of Tajikistan (Article 90). There are the following types of leave: Annual paid leave; Social leave; Unpaid leave; Temporary unpaid or partially paid leave; other leaves as defined by the Tajik legislation.

The leaves are documented by the document issued by the Employer.

#### Article 91. Right to Annual Paid Leave and Social Leave

Employees have the right to annual paid leave and social leave in accordance with the provisions envisaged by this Code.

It is not allowed to substitute annual paid leave with the monetary reimbursement except the cases, when the Employee subject to dismissal did not use his/her leave.

#### Article 92. Right to Main Annual Paid Leave and Main Annual Extended Leave

Employees have the right to main annual paid leave or main annual extended leave regardless of the Employer and the type of labor contract they have, legal form of Organization and their salary.

#### Article 93. Length of Main Annual Minimum Leave

1. The length of main annual minimum leave shall make 24 calendar days.
2. The main annual minimum leave is granted to all employees in a mandatory manner.
3. The Employer has the right to extend the length of main annual minimum leave to more than 24 days with the use of Organization's internal funds in accordance with the procedures and terms of the labor contract, collective agreements and contracts.
4. Non-business holidays, temporary disability, as well as pregnancy and birth delivery leaves shall not be a part of the main annual paid leave.
5. In case non-business holidays fall into the period of employee's main annual leave, the main annual paid leave is extended by the number of non-business holidays.

Article 94. Length of Main Annual Extended Leave. A selected group of employees may be entitled to the main extended leave in accordance with the legal and regulatory documents of the Republic of Tajikistan given the nature and conditions of the employment duties, age, length of experience, health state, and other circumstances.

The Government of Tajikistan shall determine the list of organizations, occupations and positions outlined in paragraphs 1-5 of Article 94.2.

#### Article 95. Additional Annual Leave

The Employer is obliged to grant additional annual leave to the following individuals:

- Employees working in hazardous and difficult conditions;
- Employees with special job;
- Employees working in unfavorable natural and climatic conditions;
- Employees with irregular working day;
- In other cases, as defined by the Tajik legislation, labor contract, collective agreements and contracts.

### **Labor Disputes**

The Labor Code of Tajikistan includes provisions that allow workers to resolve disputes in cases where there is a disagreement between the employer and the employee over the essential terms and conditions of a labor agreement or other aspects of work.

The employee who alleges that no reason was given for the termination of his employment contract or who considers that the reasons shown were not valid to justify the termination shall be entitled to lodge an appeal against that termination with the labour court within one month of receiving the notice of termination. If there is an arbitration clause in the collective agreement or if the parties so agree, the dispute may also be referred to private arbitration within the same period of time.

Individual labor disputes arise as a result of disagreement between the Employer and the Employee on enforcement of the legal and regulatory documents of the Republic of Tajikistan on labor and employment and their procedures of re-settlement shall be envisaged in labor contract, and collective agreements and contracts.

According to the Labor Code of the Republic of Tajikistan (Article 322) regarding Collective Labor Dispute Judicial Hearing. Collective labor disputes on enforcement of the Tajik legal and regulatory documents on labor (their non-enforcement or breach) shall be considered by the court based on the application of the representative of a party. The rules and timeframes defined by this Code for individual labor disputes shall be applied in case of judicial hearing of applications and implementation of the court decisions.

In case of labor contract termination without legal grounding or illegal transfer of the Employee to another job, changing his/her duty station (workplace), changing labor conditions or suspending the Employee, the individual labor disputes entity issues a decision on re-instatement, except the cases as defined by Article 206.3.

The Employee, who is re-instated in his/her previous job, is paid his/her average monthly salary for the entire period, during which s/he did not work inevitably (was suspended) or the difference of the salary for the lower paid works.

The decision of the individual labor disputes entity on reinstatement of the Employee to his/her previous workplace shall be executed immediately. In case the Employer executes the decision on the Employee re-instatement with delay, the individual labor disputes entity issues a decision on the payment of Employee's average monthly salary or the salary difference during the period of delay.

## **BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY (OHS)**

According to the Labor Code of the Republic of Tajikistan (Article 349) on labor protection. Public Standard Requirements for Labor Protection.

The public standard requirements envisaged in the legal and regulatory documents of the Republic of Tajikistan on labor protection determine the rules, procedures and requirements to protection of employees' life and health in the process of employment.

Fulfilment of the public standard requirements on labor protection is mandatory for legal and individual entities in all types of activities, including designing, construction (reconstruction) and use of facilities, designing tools, mechanisms and other equipment, development of technological processes and arrangement of industry and labor. The Employer shall be in charge of regular control over the compliance with all requirements, rules and norms of safety in running works and labor protection by employees.

Based on the (Article 350) Labor Code of the Republic of Tajikistan. Compulsory Special and Occupational Training on Labor Safety.

Authorized public entity shall ensure training of specialists at general vocational and higher education institutions for operation in the labor protection office.

Primary vocational, secondary vocational and higher education institutions shall arrange the Course on labor protection for attendants and students by taking into account the industrial specifics of various economy areas.

It is prohibited to grant work permission to individuals, who do not have the necessary occupational training and did not pass labor protection examination according to the determined procedures.

Organization's administration is obliged to ensure regular training system for labor protection and staff professional development.

Heads of organization, their deputies in charge of labor protection arrangement, heads, specialists of labor protection offices shall attend professional development courses on labor protection not less than once in five years.

According to the Labor Code of the Republic of Tajikistan (Article 352). Conformity of Industrial Facilities (Work site), Equipment.

Technological Processes and Products with Labor Protection Requirements.

Projects on construction and renovation of industrial facilities, as well as machines, mechanisms and other industrial equipment and technological processes shall meet the labor protection requirements.

Construction, renovation, technical re-equipment of industrial facilities, production and application of new machinery and technologies is prohibited without the state labor conditions examination entity's opinion on conformity of the projects outlined in Article 352.1 with the labor protection requirements as well as without permission of relevant public control agency on compliance with the labor protection requirements is prohibited.

New or renovated industrial facilities shall not be launched without the opinion of relevant public control agency on compliance with the labor protection requirements.

It is prohibited to apply harmful or hazardous substances, materials, products, goods and services, for which metrological control methods and tools are not developed and their toxicological (sanitary and hygiene, medical and biological) evaluation is not conducted.

In case of application of new harmful or hazardous substances not applied in the Organization earlier, the Employer is obliged to undertake measures on protection of life and health of its employees and agree them upon with relevant public control agency on compliance with the labor protection requirements prior to their application.

Production tools, mechanisms and other equipment, vehicles, technological processes, materials and chemical substances, local and imported personal and collective protection tools of employees shall meet the labor protection requirements determined in the Republic of Tajikistan and have certificate of compliance.

Based on the Labor Code of the Republic of Tajikistan (Article 357). Public Oversight of Compliance with Labor Protection Requirements

Public oversight of compliance with rules and norms of labor protection is exercised by the trade unions and other employee representatives, who for this purpose have the right to establish their inspectorate and also select their authorized representatives for labor protection.

Inspectors and authorized individuals on labor protection from trade unions and other employee representatives have the right to:

- ✓ oversee the compliance with the legal and regulatory documents of the Republic of Tajikistan on labor protection by employers;
- ✓ run independent analysis of labor conditions and safety of employees;
- ✓ participate in inspection of job-related accidents and occupational diseases and also independently inspect them;
- ✓ get information from heads and other officials of organization on labor conditions and protection as well as other job-related accidents and occupational diseases;
- ✓ propose request on suspension of works in case of threat to life and health of employees;

- ✓ issue orders to employers on elimination of revealed violations of labor protection requirements compulsory for implementation;
- ✓ ensure inspection of labor conditions and protection, fulfillment of employers' obligations on labor protection envisaged by collective agreements and contracts;
- ✓ participate as independent experts in the activities of commissions on inspection and launch of production facilities and tools;
- ✓ participate in development of draft legal and regulatory documents of the Republic of Tajikistan on labor protection and also agree upon them in accordance with the procedures in place;
- ✓ apply to relevant authorities to bring to justice the entities, who violated the labor protection requirements and hid job-related accidents;
- ✓ participate in settlement of labor disputes related to violation of provisions of this Code and other legal and regulatory documents of the Republic of Tajikistan, commitments on labor protection envisaged in collective agreements and contracts as well as change of employment conditions;
- ✓ have other rights and duties envisaged by the legal and regulatory documents of the Republic of Tajikistan.

The trade unions and other employee representatives have the right to free inspection of compliance with the labor protection requirements and make proposals to officials to review and eliminate revealed violations of labor protection requirements in a mandatory manner.

According to the Labor Code of the Republic of Tajikistan (Article 358). The Rights of Public Inspectors on Labor Protection. Public inspectors on labor protection have the right to:

- ✓ protect employees' rights to labor protection before the Employer through public oversight for compliance with legal and regulatory documents of the Republic of Tajikistan, and collective agreements and contracts to ensure labor safety, labor conditions and occupational safety in organizations;
- ✓ participate in the inspection of job-related accidents and labor safety conducted by government labor inspectors;
- ✓ obtain information and explanation, including information in writing from the Employer and other officials of organization on implementation of their duties;
- ✓ oversee the implementation of the Employer's commitments set out in collective agreements and contracts on labor protection;
- ✓ submit to official's proposals to eliminate the existing shortcomings revealed as a result of inspections;
- ✓ participate in the activities of commission for inspection and acceptance of production facilities and tools for further application;
- ✓ participate in drafting legal and regulatory documents of the Republic of Tajikistan on labor and labor protection and make proposals [on their improvement];
- ✓ apply to relevant public authorities to bring the Employer and other officials of organization to justice for violation of legal and regulatory documents of the Republic of Tajikistan on labor, occupational safety and labor protection, provisions of collective agreements and contracts, including concealment (hiding) of job-related accidents and occupational diseases;
- ✓ participate in discussions of labor disputes related to the change of labor conditions, violation of provisions of the legal and regulatory documents of the Republic of Tajikistan on labor, occupation safety and protection, failure to comply with the commitments envisaged in labor contracts, and collective agreements and contracts;
- ✓ appeal to court with the employee's application for protection of employees' rights to compensation of damage caused as a result of getting disability or other damage to health

related to fulfilment of employment duties and other cases of humiliation of employees' rights to labour, occupational safety and protection.

## **The World Bank Environmental and Social Standards: ESS 2**

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

- Promote safety and health at work;
- Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
- protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- Prevent the use of all forms of forced labor and child labor;
- Support the principles of freedom of association and collective bargaining of project workers;
- Provide project workers with accessible means to raise workplace concerns.

ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.

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

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

## **RESPONSIBLE STAFF**

The overall responsibility for the implementation of all aspects of the project live with the MOT. The MOT will hire the Project Implementation Group for project implementation. The Project Implementation Group will be comprised by Project coordinator, social and environmental issues specialist, procurement specialist, financial management specialist, technical specialists. Each Contractor will have occupational health and safety specialist as required by national legislation (Engineer of labor safety).

The social and environmental issues specialist (a person designated within the PIG which is likely to be the environmental and social officer/ GRM specialist) will be responsible for the following aspects of the labor management procedures:

- Ensure that contractor(s) responsible for the civil works under the project prepare the OHS plan to meet the requirements of national occupational health and safety regulations before the start of the works.
- Monitor regularly that the Contractor(s) are meeting contractual obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with this LMP, ESS2 and the national Labor Code and Laws.
- Monitor that OHS standards are met at workplaces in line with national occupational health and safety legislation and Occupational Health and Safety Plan.
- Ensure that the workers for all contractors and subcontractors are aware about the grievance redress mechanism.
- Ensure that grievances are registered and addressed properly by the appropriate party.

Roles and responsibilities of supervising consultants:

- Ensure that contractor(s) responsible for the civil works under the project implement the OHS plan approved by the FIG.
- Monitor that the Contractor(s) are meeting contractual obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Bidding Documents, and in line with this LMP, ESS2 and the national Labor Code and Laws, and report their compliance in the monthly progress report.
- Monitor that OHS standards are met at workplaces in line with national occupational health and safety legislation and Occupational Health and Safety Plan, and report their compliance in the monthly progress report.
- Assign a staff responsible for receiving grievances from contracted workers.
- Ensure that grievances are registered and addressed properly by the appropriate party, and report outstanding grievances in the monthly progress report.

The Contractor(s) will be responsible for the following:

- Assigning or employing a person responsible for the adaption and implementation of the OHS plan to the requirements of the project.
- Maintaining records of recruitment and employment process of contracted workers
- Communicating clearly job description and employment conditions to contracted workers
- Having a system for regular review and reporting of labor, and occupational safety and health performance on site.
- Developing and implementing a grievance registration mechanism that would record and address the grievances raised by the workers.
- Additionally, Contractor is responsible to follow and implement code of conduct as part of contractor's responsibilities and delivering regular orientation and OHS training to employees.

If the contractor does not follow the obligations above, penalty will be imposed per penalty clauses provided in the Contract.

## **PROCEDURES**

This section sets out information on OHS, reporting and monitoring and other general project policies related to the management of project-related labor pool.

All the contractors under the project will have to comply with the legislation requirement of OHS and Labor Code as well as the provisions set under the World Bank's ESS 2. The contractor(s) Tajikistan will have to prepare or adjust their internal regulations, in case they do not comply with the current legislation. They will also make them known and available to their staff and workers and will cover the following aspects:

- **Non-discriminatory Nature of Employment**

All the workers hired under the project, whether direct, contracted or sub-contracted, will be employed based on the principles of non-discrimination. As per of the Tajikistan Labor Code, any discrimination based on gender, age, race, ethnicity, political option, social origin, residence, handicap, status or trade union activity, as well as other criteria not related to his professional qualities, shall be prohibited.

- **Terms of Employment**

All workers will have **written contracts** describing terms and conditions of work. Workers will sign the employment contract in two copies. Terms and conditions of employment will be available at work sites. Each staff or worker will receive a brief orientation covering the contents of the contract; the internal regulations of the institution; the work safety and OHS arrangements in the workplace.

The Project Implementation Group will have to ensure that all part-time and seasonal construction workers all have written contractors as unpaid overtime work and generally failure to pay individuals who do not have signed contracts is one of the main risks of abuse in the construction industry.

## **AGE OF EMPLOYMENT**

Tajikistan law prohibits anyone under 18 from performing arduous or dangerous work. The contractors will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, certificate based on the results of a medical examination, national identification card or a passport. If a child under the minimum age (18years old) is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

## **TERMS AND CONDITIONS OF EMPLOYEMENTS**

The terms and conditions of employment applying to all types of project workers shall be governed by the internal regulations of contractors and suppliers in line with the Tajikistan Labor Code and other labor-related legislation. These terms and conditions will be clearly mentioned in the written contracts for all type of workers, whether full-time or part-time, and be made known to project workers prior to commencement of work.

According to the Tajikistan Labour Code (Article 67)the work hours are 40 per week for all workers. The number of weekly overtime hours and the payment of overtime shall be governed by the provisions of the Tajikistan Labor Code which is in line with the ESS2.

## **GRIEVANCE MECHANISM**

The MOT jointly with Project Implementation Group will establish a grievance mechanism for project stakeholders, all types of project workers and other interested parties to submit questions, comments, suggestions and/or complaints and provide any form of feedback on all project-funded activities

The Contractor(s) will have to inform their workers, and sub-contractor(s), and display publicly on worksite the information about the existing project GRM which will include:

- a brief description of the GRM mechanism and what it is used for
- the process to send grievances such as comments/complaints forms via suggestion boxes, email, a telephone hotline with an indication of the email, telephone number, fax; mailing address

- the responsible person for reviewing the submitted grievances;

Additionally, GRM should have measures to protect the workers against any reprisal for its use (for example, allowing anonymous grievances and/or involvement of supervising consultants).

## **CONTRACTOR MANAGEMENT**

Whether the MOT will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts or National Procurement Guidelines, both will include language referring to labor and occupational, health and safety requirements that must comply with the Tajikistan national legislation and ESS2. The contract will include non-compliance remedy for any potential violation of E&S provisions.

A specific assigned person within the Project Implementation Group, will monitor the performance of Contractor(s) in relation to contracted workers. This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports should include:

- (a) a representative sample of employment contracts or arrangements between third parties and contracted workers;
- (b) records relating to grievances received and their resolution;
- (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions;
- (d) records relating to incidents of non-compliance with national law; and
- (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

## **PRIMARY SUPPLIERS**

In instances where local suppliers would be engaged, contractors shall be required to carry out due diligence procedure to identify if there are significant risks that the suppliers are exploiting child or forced labor or exposing worker to serious safety issues. In instances where foreign suppliers would be contracted, contractors will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and also their corporate requirements related to child labor, forced labor, and safety. If there are any risks related to child and forced labor, and safety identified, MoT and PIG will prepare the procedures to address these risks.

## **PROTOCOL AND GUIDELINES ON COVID 19 IMPACTS**

Given the new challenges and risks posed on public health emergency under COVID 19, measures will be taken under the project to minimize the risk of COVID 19 transmission at workplace and workers camp. These guidelines should be applied in case of risks of public health emergency exist during the project implementation (Annex 1).

## ANNEX 1: PRECAUTIONARY MEASURES TO PREVENT OR MINIMIZE THE COVID-19 AT THE CONSTRUCTION SITE

Period 1: No COVID-19 cases registered in the construction site

1 Period	Mitigation Measure	Responsibility for Mitigation	Responsibility for Monitoring
When not a single case of coronavirus infection was recorded in workers during construction	Ensuring handwashing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where handwashing facilities do not exist or are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.	Construction Contractor (CC)	MoT/PIG
	Ensure daily wet cleaning in the premises with disinfectants that are active against viruses. Training cleaners in proper hygiene (including handwashing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).	Construction Contractor (CC)	MoT/PIG
	Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular handwashing and social distancing) and what to do if they or other people have symptoms (for further information see WHO COVID-19 advice for the public).	Construction Contractor (CC)	MoT/PIG
	Recommend every day for workers and contractors regular use of disinfectants and personal care products Post a memo on the information board at the office of engineers and contractors on measures to prevent coronavirus infection.	Construction Contractor (CC)	MoT/PIG

Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.	Construction Contractor (CC)	MoT/PIG
Ensuring regular airing of cabinets (every 4 hours for 10 - 15 minutes)	Construction Contractor (CC)	MoT/PIG
To ensure, if possible, more free seating of employees in the offices (2 meters between people), as far as possible	Construction Contractor (CC)	MoT/PIG
Ensure hygiene and disinfection goods	Construction Contractor (CC)	MoT/PIG
Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule	Construction Contractor (CC)	MoT/PIG
Daily collection of information on new coronavirus diseases among consultants to engineers and contractors. Provide the information on employee health on a daily basis for the consultant of MoT/PIG and Contractor.	Construction Contractor (CC)	MoT/PIG
Limit business trips as much as possible	Construction Contractor (CC)	MoT/PIG
If workers with symptoms of the disease are identified, ensure that they are isolated from the consultants of MoT/PIG, contractors and other workers, immediately contact a local hospital or doctors.	Construction Contractor (CC)	MoT/PIG

Period 2: COVID-19 cases registered in the construction site

2 Period	Mitigation Measure	Responsibility for Mitigation	Responsibility for Monitoring
When a case of coronavirus infection during construction already registered and preparing for the spread of a new coronavirus disease.	Determine the beginning of the spread of a COVID-19 disease in the Project area	Construction Contractor (CC)	MoT/PIG
	Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred	Construction Contractor (CC)	MoT/PIG
	If the worker is infected at the workplace. Provide immediate notification of cases of suspected new coronavirus infection in a hospital in a given region and provide the worker with all means.	Construction Contractor (CC)	MoT/PIG
	If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.	Construction Contractor (CC)	MoT/PIG
	Clarifying the way in which an ill worker will be transported to the medical facility, and checking availability of such transportation	Construction Contractor (CC)	MoT/PIG
	If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.	Construction Contractor (CC)	MoT/PIG
	Ensure the immediate isolation of those who are suspected of having a new coronavirus infection and a contact hospital, and the worker should be transported to hospital and facilities to be testing (the biological material will also be delivered to the hospital by), while confirming the diagnosis; ensure the isolation of contact persons in a separate department. Organize timely medical care at the request of doctors	Construction Contractor (CC)	MoT/PIG

	If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.	Construction Contractor (CC)	MoT/PIG
	Ensuring regular work (sanitary-anti-epidemic commission) with an assessment of the effectiveness of ongoing activities	Construction Contractor (CC)	MoT/PIG
	Conduct regular monitoring of the availability of medicines for the treatment of patients with a new coronavirus disease, personal protective equipment, disinfectants, medical equipment and other material resources etc.	Construction Contractor (CC)	MoT/PIG
	Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms	Construction Contractor (CC)	MoT/PIG
	Introduce anti-epidemic measures for a new coronavirus disease, including: - Strengthen the current disinfection regime with the use of disinfectants, air disinfectants and / or ventilation; - early active detection and isolation of patients with signs of pneumonia and flu - “morning filter”; - strengthen control over the temperature regime in the premises	Construction Contractor (CC)	MoT/PIG
	Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review (for further information see WHO interim guidance on rational use of personal protective equipment (PPE) for COVID-19).	Construction Contractor (CC)	MoT/PIG

## ANNEX 2: CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

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 and abuse and gender-based violence.

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, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor's Personnel**” and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

### REQUIRED CONDUCT

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
  - a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
  - b. wearing required personal protective equipment;
  - c. using appropriate measures relating to chemical, physical and biological substances and agents; and
  - d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engage in any form of sexual harassment including unwelcome sexual advances, requests for sexual favors, and other unwanted 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. In Bank financed projects/operations, sexual exploitation occurs when access to or benefit from Bank financed Goods, Works, Consulting or Non-consulting services is used to extract sexual gain;
8. not engage in Rape, which means physically forced or otherwise coerced penetration—even if slight—of the vagina, anus or mouth with a penis or other body part. It also includes

penetration of the vagina or anus with an object. Rape includes marital rape and anal rape/sodomy. The attempt to do so is known as attempted rape. Rape of a person by two or more perpetrators is known as gang rape;

9. not engage in Sexual Assault, which means any form of non-consensual sexual contact that does not result in or include penetration. Examples include: attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks 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 Sexual Assault (SEA);
11. report violations of this Code of Conduct; and
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the [Project 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 in handling gender-based violence*] 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): \_\_\_\_\_