

REPUBLIC OF TAJIKISTAN

STATE UNITARY ENTERPRISE “KHOJAGII MANZILIYU KOMMUNALI”

MINISTRY OF ENERGY AND WATER RESOURCES OF THE REPUBLIC OF TAJIKISTAN

PROJECT MANAGEMENT UNIT ON MUNICIPAL INFRASTRUCTURE DEVELOPMENT PROJECTS UNDER
THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

WATER SUPPLY INVESTMENT PROGRAM IN TAJIKISTAN – PHASE-1

DRAFT LABOR MANAGEMENT PROCEDURES



April – 2022

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ABBREVIATIONS

EA	Executing Agency
ECA	Europe and Central Asia
ESMP	Environmental and Social Management Plan
ESF	Environmental and Social Framework of the WB
ESS	Environmental and Social Standards
EU	European Union
FM	Financial Management
GRM	Grievances Redress Mechanism
IDA	International Development Association
IWRM	Integrated Water Resources Management
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MEWR RT	Ministry of Energy and Water Resources of the Republic of Tajikistan
MID PMU	Project Implementation Unit for Municipal Infrastructure Development Projects in Tajikistan
NGO	Non-Governmental Organization
NWRRP	National Water Resources Reform Program
PDO	Project Development Objectives
POM	Project Operational Manual
RF	Resettlement Framework
RT	Republic of Tajikistan
RWSSP	Rural Water Supply and Sanitation Project in Tajikistan
SEP	Stakeholder Engagement Plan
SUE KMK	State Unitary Enterprise "Khojagii Manziliyu Kommunalii"
WASH	Water Supply, Sanitation and Hygiene
WB	World Bank
WSD	Water Supply and Drainage
WSDG	Water Supply and Drainage Group under the Ministry of Energy and Water Resources
WSIP-1	Water Supply Investment Program in Tajikistan (Phase 1)

1. INTRODUCTION

The Water Supply Investment Program in Tajikistan – Phase 1 (WSIP-1) is designed as the series of projects (SOP) aimed at facilitating the implementation of ambitious agenda in the area of investments and reforms on water supply and sanitation infrastructure based on support provided to the sector by the World Bank during the recent decades. The need for a national program that combines largescale investments in infrastructure along with long-term policy reforms, strategic planning for development and capacity building for water sector institutions and enterprises became a key lesson learnt from previous projects in the Republic of Tajikistan, where those projects were more limited in terms of scope and set objectives. It is envisaged that strategic coherence and long-term financial framework structure will be provided under implementation the SOP with the purpose of supporting the National Water Supply and Sanitation Program up to 2030. This will prove the commitment to the reforms process and its continuity, and phased projects will incentivize performance, which will allow clients gaining access to the subsequent funding rounds. In addition, SOP will provide for training and ensuring adaptation between projects that is the key attribute to implement integrated program in complex political situation. The Program strives to expand the scope of achievements made in 7 districts of Khatlon Oblast with the aim to providing access to safe and uninterrupted water supply. Considering excellent progress in implementation of the Rural Water Supply and Sanitation Project in Tajikistan (RWSSP) that was made during the last year, it is expected that the proposed Program will ensure improved quality of water for health of population and improved service delivery to all consumers, in particular to disadvantaged population.

The World Bank’s Environmental and Social Framework with regard to investments and project financing sets requirements for the Borrower to identify and assess environmental and social risks and impacts of the projects. The Government of Republic of Tajikistan and Executing Agencies represented by the Ministry of Energy and Water Resources of the Republic of Tajikistan (MEWR RT) and State Unitary Enterprise “Khojagii Manziliyu Kommunalni” (SUE KMK) acknowledge importance and adopt the Environmental and Social Framework of the World Bank to identify, assess and manage environmental and social risks and impacts related with this Project. In compliance with the environmental and social review summary prepared by the Bank, the environmental and social risks are rated as substantial. These risks cover the following Environmental and Social Standards (ESS): ESS 1, ESS 2, ESS 3, ESS 4, ESS 5, ESS 6 и ESS 10.

In order to manage risks that could emerge in connection with hiring and working conditions of the project staff, the Project Implementation Units have developed the **Labor Management Procedures (LMP)**. This document was prepared in compliance with the provisions under the legislation of the Republic of Tajikistan and cover provisions of the World Bank’s Environmental and Social Standard - 2: Labor and Working Conditions (ESS 2). Document determines main aspects of labor relations planning and regulations, helps the Executing Agencies (EA) in determining preliminary resources necessary to address personnel-related matters and sets main requirements for personnel and risks related to the Project. LMP is an evolving document to be initiated during Project development stage and reviewed and updated during Project implementation.

1.1. SUMMARY OF THE PROJECT

The Water Supply Investment Program in Tajikistan – Phase 1 (WSIP-1) is aimed at improving access to the safely managed drinking water supply services in specific districts and strengthening institutional capacity in water supply and sanitation sector to improve and enhance service delivery. The Project is structured in compliance with activities as stipulated under the National Water Resources Management Program for 2016 – 2025 and provides support to implement upcoming National Water Supply and Drainage Program. Further, the Project will support the target utility enterprises to implement planned activities and improve their ability to utilize and

maintain, plan, introduce and support expansion of safe water supply in Khatlon Oblast. Proposed WSIP-1 will build upon the efforts to improve management of water supply and sanitation sector across the full spectrum of functions.

Infrastructural investments will build on the outcomes of the Rural Water Supply and Sanitation Project (RWSSP) under implementation and expand with selection of priority infrastructure for water supply within the boundaries of Vakhsh Inter-district Scheme and adjacent districts based on engineering design and assessments performed under the RWSSP. The target investments under the WSIP-1 in rehabilitation / modernization of infrastructure will be balanced with continuous support of existing national efforts to reform, including restructuring and strengthening of key institutions on planning, regulation and delivery of services in water sector. The Project will continue strengthening the capacity of substructures of the SUE KMK and / or their successors in ensuring sustainability of services provided to population of target areas. These efforts will help improving financial sustainability of the water supply and sanitation sector in long-term perspectives and push the sector to specific results-oriented service planning and quality improvement.

WSIP-1 envisages continued investments in modernization of Vakhsh Inter-district Water Supply Scheme, where one of its main infrastructures is the main pipeline intended to supply water to six districts of Vakhsh Valley, i.e., it transports water taken from Main Vakhsh Channel and treated in Treatment Plants along the complex inter-district pipeline to long distances from Levakant to remote districts of Dusti and Jayhun suffering from acute deficit of water. Proposed WSIP-1 will support integrated use of ground and surface water resources through close cooperation with the Main Department of Geology.

Proposed Project Implementation Period: **2022 - 2026**

Project Development Objectives (PDO) are formulated as follows:

- (i) Improve access to basic water supply and sanitation services in selected districts;
- (ii) Strengthen capacity of institutions functioning in the water supply and sanitation sector.

1.2. PROJECT'S COVERAGE AREA

The WSIP-1 envisages coverage of rural settlements within the boundaries of J. Balkhi, Vakhsh and Dusti districts of Khatlon Oblast with safe water supply service by connecting to main pipeline, where possible, and introduction of decentralized solutions for water supply of districts that depend on other sources.

1.3. PROJECT COMPONENTS

Project consists of four components:

- Component 1 will be aimed at financing the series of activities focused on strengthening of organizational structures and building capacity of institutions in water sector at national, oblast and local levels to ensure service delivery in the Project area. Component will support implementation of the proposed National Water Supply and Drainage Program. Further, Project will provide support to target utility enterprises to perform planned activities and enhance their ability to utilize, plan, introduce and expand safe water supply in Khatlon Oblast. Proposed WSIP-1 will build upon efforts to improve management of water supply and sanitation sector across the range of functions.
- Component 2 is aimed at financing the implementation of infrastructural solutions in the area of water supply and sanitation that shall be simple and reliable in terms of utilization. This component will finance civil works, goods and consulting services that are necessary to develop and implement a complex of robust infrastructure for water supply. Such an infrastructure will be required to improve access and sustainability of water supply in Khatlon Oblast, while strengthening the climate resilience by improvements in water

supply service delivery. Component 2 will consist of two parts: Component 2A aimed at supporting investments in water supply infrastructure, and Component 2B focusing on modernizing the WASH¹ facilities in public buildings (schools and health facilities).

- Component 3 will support Project Management and Monitoring. This component will cover financial costs related with project management activities under both Executing Agencies, as well as operational costs of the PMU² / WSDG³.
- Component 4 is the contingent emergency response component. Component is aimed at improving the ability of the Government of Republic of Tajikistan to effectively respond to emergency situation in compliance with the World Bank procedures on disaster prevention and preparedness. This component will be effective as needed in case of emergencies.

¹ WASH – Water Supply, Sanitation and Hygiene

² PMU – Project Management Unit

³ WSDG – Water supply and Drainage Group

2. REVIEW ON LABOR UTILIZATION UNDER THE PROJECT

Employee Types

This chapter contains description of employee categories under the Project, types of labor relations, and quantitative needs assessments and demonstration of HR management structure.

In compliance with the provisions of **ESS 2 – Labor and Working Conditions, the Project** employees will be grouped under the following categories:

1. **Direct employees** – employees directly hired or engaged by the Borrower and participating in implementation of Project activities;
2. **Contracted employees** – employees hired or engaged by third parties (contractors, subcontractors, etc.) to perform works related with basic Project functions regardless of the Project’s location;
3. **Employees of key suppliers** – employees hired or engaged by main providers of the Borrower that carry out regular direct shipment of goods and materials as necessary to perform main Project functions;
4. **Community workers** – individuals hired or engaged to perform community activities.

The main focus of this Document will be on direct employees hired directly by the EA to perform Project-related tasks, and employees working on contractual basis, i.e., employees engaged in the Project and hired by contractor or other third party. Since the main project activities are construction and rehabilitation work that will be implemented in rural areas, the local population may be engaged as labor force of the contractor (community workers) that will be hired by contractors as workers under contract. Category of employees of main provider will not applicable, as the Project does not stipulate services of sole providers. Procurement of services will be performed through competitive bids in compliance with requirements of the World Bank.

2.1. DIRECT EMPLOYEES

The Project’s executing agencies are SUE KMK⁴ and MEWR RT⁵.

Project will be implemented by the Project Implementation Unit (PMU). The PMU was established by the Government of Republic of Tajikistan as represented by the State Committee on Investments and State Property Managements, Executive Office of President of RT and Ministry of Finance of the Republic of Tajikistan. The Project Manager will work under control of these authorities. PMU’s subordination is indicated in the figure below. The PMU’s Office will be located in the building of SUE KMK in Dushanbe.

The PMU was established in 2004 for the purpose of developing the Municipal Infrastructure Project. According to the Resolution of the Head, Executive Office of the President of RT No. 22 / 10-238 dated August 16, 2018, the responsibility for implementation of the Rural Water Supply and Sanitation Project is assigned to the PMU with the purpose of developing the municipal infrastructure. Implementation of the Component 2 under the WSIP-1 will be also assigned to the PMU in the frame of subsidiary agreement. The Project Coordination Unit (PCU) will be established at regional level of the Lower Vakhsh Subbasin, which will ensure appropriate and orderly implementation of Project’s activities in pilot districts.

The Water Supply and Drainage Group (WSDG) will be established under the MEWR RT and will be responsible for implementation of Component 1 under the WSIP-1.

The Key Employees category will stipulate hiring and / or engagement of staff specialists and consultants for the offices of PMU⁶ / WSDG / PCU⁷. Relations with these entities will be regulated

⁴ SUE KMK – State Unitary Enterprise “Khojagii Manziliyu Kommunalii”

⁵ MEWR RT – Ministry of Energy and Water Resources of the Republic of Tajikistan

⁶ PMU – Project Implementation Unit

⁷ PCU – Project Coordination Unit

based on contracts and terms of reference. In compliance with the provisions under the Law of RT “On Public Servants” No. 233 dated March 5, 2007, the staff of PMU / PCU (with exception of the Director) will not be considered as civil servants, as they will be hired on contractual basis to implement projects. The staff of EA will be selected to perform operations of Project Units in compliance with the procedures for hiring regulated by the legal norms under legislation of the Republic of Tajikistan, provided that their ToR⁸ and hiring are agreed with the Bank and candidates are considered as acceptable and competent. Selection of consultants will be carried out through open competition and in compliance with the WB’s Procurement Rules.

Exact numbers of employees that will be engaged in the Project are yet to be determined, as the WSDG under MEWR RT is not established so far. Preliminary number of employees may be 15 people. These will be key personnel and consultants engaged to implement activities planned under Component 1.

Based on experience of functioning executing agency – the PMU under KMK and considering the nature of the Project, only main employees of the PMU and PCU are subject to more precise determination. Preliminary information on main employees of the Project is given below.

Main Personnel at PMU Office (Dushanbe)

1. PMU Director
2. Project Manager
3. Chief Engineer of the Project
4. Chief Accountant
5. Chief Procurement Specialist
6. Administrator / Assistant Manager
7. Accountant – Cashier

SUE Consultants

1. Financial Management Consultant (2 people)
2. Procurement Consultant
3. Environmental Consultant
4. Social Consultant
5. Translator – Consultant
6. Legal Consultant (Lawyer)
7. Information Technologies Consultant
8. Consultant on Management Information Systems (MIS)
9. Monitoring and Evaluation (M&E) Consultant
10. Assistant Consultant on M&E⁹
11. Consultant on Integrated Management of Water Resources (IMWR)
12. Consultant on Billing System’s Implementation and Control

Employees of the Project Coordination Units (Regional Office)

13. PCU Coordinator
14. Engineer
15. Specialist on WUA
16. ICT¹⁰ Specialist

In addition, support personnel will be hired for PMU and PCU that will include Secretary (1), Drivers (5), Security Guards (5) and Junior Support Staff (3).

⁸ ToR – Terms of Reference

⁹ M&E – Monitoring and Evaluation

¹⁰ ICT – Information and Communications Technologies

According to estimates, preliminary number of main employees engaged in this Project at the level of PMU and PCU Offices will be 40 people.

Total number of main employees of the Project at the offices of PMU/KMK, WSDG/MEWR RT and PCU will be 55 people.

2.2. CONTRACT EMPLOYEES

It is expected that category of contract employees will consist of two wide categories: (i) project workers hired by the consulting companies, including design organizations, and (ii) laborers of contractors and subcontractors.

Component 1 will include capacity building activities at MEWR RT and institutions in the water supply and sanitation sectors with the purpose of improving service planning and delivery. This component is structures in compliance with activities stipulated under the National Water Resources Reform Program 2016 – 2025 and supports implementation planned National Water Supply and Drainage Program. Project will also support target municipal enterprises in implementation of planned activities and improvement of their ability to utilize and maintain, plan, introduce and support expansion of basic water supply in Khatlon Oblast. Proposed Project 1 will be based on efforts to improve management of the Water Supply and Sanitation Sector across the full range of functions. Consulting services will be engaged for capacity building.

Component 2 stipulates target investments in rehabilitation / modernization of infrastructure with continuous support of current reforming efforts, including restructuring and strengthening of key institutions on planning, regulation and delivery of services in water sector. Project will continue strengthening the capacity of structures under SUE KMK and / or their legal successors in sustaining services to population in target areas. These efforts will help in improving financial sustainability of the water supply and sanitation sector in long-term perspectives and pushing the sector towards specific results-oriented service planning and quality improvement. This component will also include supporting decision-making in the area of water supply, sanitation and hygiene at education and health facilities. Civil works will be performed through contractors and subcontractors. Since activities will be implemented mainly in rural areas, majority of contractors will be the residents of rural settlements. In addition, this Component will include consulting services related with designing and supervision of rehabilitation sites.

Number of contractors that will be hired by consulting firms, contractors and subcontractors is unknown at the this stage and preliminary assessment is challenging. Their number will be determined only during project implementation.

2.3. WORKFORCE SPECIFICATIONS

Staffing of the PMU/KMK's Office. PMU is already staffed with key personnel, staff specialists and consultants that participate in successful implementation of activities under the Rural Water Supply and Sanitation Project (RWSSP) that is supported by the World Bank. There are consultants on reserve that were previously engaged in implementation of completed infrastructural projects. Moreover, local consultants will be hired to support the key staff at PMU in appropriate areas. Contracts or labor agreements will be executed with these consultants for the period necessary to implement specific activities under the Project. With the purpose of ensuring succession, the KMK specialists at national and local levels will be engaged in the project as experts. It is envisaged that women will compose 5% of workforce and it is likely that they will be working in financial department, as procurement specialists, safety and security specialists, M&E specialists, support personnel at the PMU and PCU Offices.

Contractor / Subcontractor's Staff. Based on experience and practices of the Project executing agency - PMU/KMK – the main stakeholders for construction and rehabilitation works will be citizen of Tajikistan. Generally, residents of the same region, where the construction is carried out will be engaged in the Project's activities, while external labor, i.e., residents from other

countries, will not be engaged. Rural workforce engaged in Project's activities may consist of returning labor migrants with sufficient experience in construction, where part thereof may not have specialized construction qualifications, and they will be covered by appropriate training. These types of labor will be usually engaged in earth-, concrete works and support activities. It is likely that technical staff will be provided by the contractor's permanent personnel. Mostly male population of rural areas will be engaged in the construction. Representation of female population in construction activities will be limited to perform light works (site cleaning, cooking food for the workers, washing dishes, etc.), as construction works are labor-intensive and mechanized. In compliance with Article 2016, Labor Code of the Republic of Tajikistan No. 1329 dated July 23, 2016, it is prohibited to engage women in heavy work and operations with harmful or dangerous working conditions.

In order to ensure equality in access to Project's benefits and social equity in creating jobs, the special focus will be given to the engagement of people from vulnerable groups of population and representatives of ethnic minorities that live in Project areas.

In general, activities of the Component 1 will be carried out engaging technical consultants – both of international, as well as national level. This category of employees will be hired by contractors based on service contracts.

2.4. REQUIREMENTS ON WORKING CONDITIONS

The key personnel at central office will usually require full time and during the whole Project implementation period. Key personnel will be assisted by specialists and consultants engaged for the periods as indicated under labor contracts.

Employees of consulting companies may be engaged during the whole period of Project or for the specific periods. Timeline for performance of tasks will be reflected in contract documentation and terms of reference of organizations.

Contracted employees engaged in construction works will be hired for the period from 12 to 18 months. Timelines for hiring for minor repair works may compose from 2 to 3 months depending on scope of works. All employees engaged in construction works will be hired based on written labor contracts with indication of periods. Remuneration will be carried out using monetary assets according to the timesheets and in compliance with full volume of performed works, or monetary assets will be transferred to the employees' bank accounts.

3. ASSESSMENT OF MAIN POTENTIAL RISKS RELATED TO PERSONNEL

Target investments in rehabilitation / modernization of infrastructure within the WSIP-1 will be balanced with continuous support of current national reform efforts, including restructuring and strengthening of key institutions on planning, regulation and delivery of services in water sector.

The following major risks may emerge for Project staff during Project implementation:

Labor risks related with contracted employees at subproject level. Construction stage may lead to series of implications for health and safety of construction workers. Construction sites are potentially dangerous. Therefore, they are prone to serious accidents, especially, if they appropriate safeguards are not provided for. Construction and rehabilitation of water supply infrastructure will include series of activities related with especially high risks, such as use of heavy machinery, earthworks on steep and potentially unstable slopes and movement of construction machinery. This raises concerns due to remote location of construction sites from hospitals.

Major negative implications for health and safety are related to:

- (i) Risks in performing construction works (noise, risk of trauma),
- (ii) Transmission of communicable diseases;
- (iii) Contamination of local water sources; and
- (iv) Traffic safety and challenges related with electric devices.

Moreover, there are risks of social vulnerability due to employment without formal labor liabilities and limitation on remuneration of rural workers hired by contractors, including women. However, risks related with contractual arrangements and remuneration between the contractor and the employee will be insignificant, since subprojects will be implemented mainly by local contractors, and majority of hired workers will be represented by local labor force.

Risks of sexual exploitation, violence and harassment are also evaluated as moderate, mostly due to provisions of national legislation, gender norms of rural population based on compliance with local rules and traditions. Nonetheless, contractor will have contractual obligations to include provisions that prohibit any form of violence, and the Code of Conduct (CoC) shall include clear determination that contractor and his / her staff shall respect and comply with local customs and traditions, respect local women, and women participating in rehabilitation activities of the Project, and privacy. Employees of the PMU/ WSDG, contractor oversight engineers, social development and environmental specialists, as well as M&E specialist will follow up and report on presence or absence of any violations.

Risks related with forced labor and child labor will be moderate. Because this will be controlled by EA and regulated under national legislation and rules, as well as provisions under Environmental and Social Framework of the World Bank. Article 8, Labor Code of the Republic of Tajikistan prohibit use of any form of forced labor, and Article 4 – Basics of Labor Legislation of the Republic of Tajikistan – prohibits any form of discrimination, forced labor and utilization of female labor and labor of juveniles in heavy, underground works and works with harmful conditions. In compliance with the Law of the RT “On Education,” in educational institutions, regardless of the forms of incorporation and ownership, it is prohibited to engage students and pupils to any activities not related with education and training. Project implementation will be carried out under financial support of the World Bank, which will include requirements on the Borrower to prevent utilization of forced and child labor. The EA will establish a monitoring group to investigate identified facts and make relevant decisions.

Labor risks at the level of PMU/WSDG and its subnational subdivisions (PCU) are evaluated as moderate, as they are regulated by the Constitution, legislation and regulatory framework of the Republic of Tajikistan in the area of Labor that guarantee the right to work, right to leisure, health and protection, social care, non-discrimination, absence of sexual harassment and abuse. Control

over implementation of labor rights of employees, compliance with contractual obligations and occupational safety will be carried out every six months by the State Service of Supervision in Labor and Social Protection of Population.

Labor relations with key employees are regulated by contractual relations with indication of periods, size of remuneration and mutual obligations. In its operations, the PMU/WSDG, as an agency on implementation of the WB's projects, will be guided by the WB requirements in the area of occupational health and safety. Project will provide Grievance Redress Mechanism for project workers.

Risks to the health and safety of the Project staff are necessary in relation with uncontrollable situation with COVID-19 and its mutating strains. A working group was established at the PMU level and functions that implements actions to prevent transmission of infection at working places. Personal Protective Equipment are procured and distributed to the Project staff every quarter, all office facilities are treated, cleaned and ventilated regularly. Majority of existing staff had been vaccinated in two stages. Preventive measures are adopted at the level of contractors as well. The PMU developed the template "Action Plan on Prevention / Avoidance of Transmission of COVID-19" that will be adopted by every contractor at their construction sites.

This practice of adopting measures to prevent transmission of COVID-19 among the workers of the PMU / WSDG / PCU, hired contractors and consultants will be continued in the frame of Project development and implementation. During its implementation, the Project will regularly integrate latest recommendations and best practices on control of COVID-19.

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4. SUMMARY REVIEW OF THE LABOR LEGISLATION

4.1. NATIONAL LEGISLATION

The Constitution of the Republic of Tajikistan adopted on November 6 1994 contains legal standards on working conditions and occupational safety. The Constitution provides everyone with the right for:

- ✓ Safe occupation. It is prohibited to utilize labor of women and youth on hazardous and underground works, as well as on the jobs related with unsafe working conditions (Article 35);
- ✓ Leisure. This right is provided through regulation of working hours and provision of annual leave, weekly off-days and other amenities as stipulated under the legislation (Article 37);
- ✓ Health Care. State takes measures providing healthy environment, development of mass sports, physical culture and tourism (Article 38);
- ✓ Social Care for elderly age and in case diseases, disability and other cases as stipulated under the Legislation (Article 39).

The Labor Code of the Republic of Tajikistan dated July 26, 2016, is the founding document aimed at regulation of all matters of labor emerging in the Republic of Tajikistan. This Code regulates labor relations and other affairs having direct connection to protection of rights and freedom of parties in labor relationships by establishing minimum guarantees of rights and freedom in the area of employment. Article 7 of the Code prohibits any form of discrimination and guarantees the equal rights of all citizens for labor. Any form of discrimination in the frame of labor relations is prohibited. Any variation, exceptions or preferences, rejection of employment regardless of ethnic origin, race, gender, language, religion, political views, social status, education, wealth that leads to hindrance of equal opportunities in labor are prohibited.

Corresponding Provisions of Labor Legislation

Forced Labor and Child Labor. Article 8 of the Labor Code of the Republic of Tajikistan dated 2016 prohibits any form of forced labor. Article 21 stipulates that the party of employment agreement may be a citizen at age of at least 15 years old, but in exceptional cases related with students, reaching or not reaching age of 14 years old, as well as with students participating in organization of theatric performances, movie production, concerts, circus shows and other creating activities without causing harm to their health and moral development, provided that executed agreement does not interfere with education processes and consent of father or mother, or people relieving them in compliance with legislation of the Republic of Tajikistan. The Article 74 states that duration of a working day (shift) shall not exceed: 5 hours for employees at age from 15 to 16 years old, 7 hours for citizen from 16 to 18 years old; 2.5 hours for students of general educational facilities, facilities of vocational education and training that combine the education with employment during the academic year at age from 14 to 16 years, and 3.5 hours – at age from 16 to 18 years old. Article 207 determines the rights of employees in employment relations at age of under eighteen years old, and Article 208 prohibits use of employees at age of under eighteen years old on heavy, underground works and works with harmful and hazardous working conditions, as well as in performing works with potential harm to their health and moral development.

Wages and deductibles. Individual and collective labor contracts set form and amount of wages. The Government sets minimum wages referred to as “the social norm” (Article 103), and it may be adjusted using index based on discipline and, possibly, other factors. Additional compensation will be stipulated for the employment in mountainous areas.

Pay periods for wages will be determined under labor contracts and such period shall be at least once every two weeks (Article 158). In case of failure to make payments as established under the contract by fault of the employer, the employer shall make “...additional payments in compliance with the interest rates of the bank for each day of delay” (Article 108). Employers shall also compensate damage to health or property related to employment, and in case of death of employee,

the compensation will be paid to the family. Deductibles are allowable on special causes but shall not exceed 50 percent of amount payable to the employee, and amount after deductibles may not be less than minimum wages established by the Government (Article 109).

Women. Article 162 prohibits overtime work, work on holidays and official business trips for pregnant women or women with children under three years old. Women with children from 3 to 14 years old are allowed to work overtime and official business trips, provided consent of a woman. Article 216 stated that engaging women in heavy and underground works and works with harmful working conditions is prohibited. List of occupations with prohibited use of female labor and maximum allowable ratios on burden for them in case of manual lifting and relocating the loads will be approved by the Government of Republic of Tajikistan. Other gender-related issues are described in corresponding sub-sections.

Working Hours. Standard working week is 40 hours and less for those in age of under 18 years old. Number of hours per day and days per week is determined under the contract / agreement between the employer and employee. Employees shall provide up to two hours of unpaid leave every working day for “rest and food,” as well as paid leave, when necessary to cool, warm or breastfeed. Details of leave are set under the agreements / contracts.

Leave. In addition to public holidays, employees shall get at least 24 days of paid leave per year, while employees at age of under 18 years old shall get at least 30 days, and employees with disabilities – 30 days. Despite that, those working under harmful and unfavorable working conditions will get additional seven days, and those working under unfavorable climatic conditions will get additional eight days. Specific groups of employees entitled for unpaid leave that may be stipulated under the contract. In case of dismissal, employees will be entitled for payment for unused leave, or may use then leave as their last days of work. Women will be provided leave for pregnancy and birth for duration up to 70 calendar days or 86 days in case of complicated deliveries, and 100 days of maternity leave with 100 days of social care. Pregnancy and maternity leaves will be calculated as a sum and paid as lumpsum regardless of actual number of off-days prior to delivery. After the delivery, mother is entitled for additional leave until the age of six month of a child, which will also be payable from social care. She may get unpaid leave for the period until the three years of age of child. Her position is guaranteed until return from all these leaves. In addition, this childcare leave may be used by the father, grandmother and grandfather or other relatives / guardians, in case of actual care of a child.

Overtime work. Overtime work may be required for the period of up to 12 hours a day and reimbursed in the form of compensatory time or at the rate of at least twice the rate of regular hours. Night-time work will be paid at the rate of 1.5 time of the rate for regular hours. Conditions for overtime works will be indicated in the labor contract.

Employment disputes. Employment disputes are referred as “unregulated disputes between the employer and employee on matters related with application of legislative and other regulatory framework of the Republic of Tajikistan in the area of labor, working conditions as stipulated under labor contract, collective labor agreement, agreements” (Article 189). Disputes may be addressed by commissions as established “together with employer and structures representing the interests of employees...” (that is with equal participation of representatives of employee / employees and employers), if such commissions are stipulated under labor contracts / agreements (Article 191). Commissions shall review the matters during the period of 10 days. If the employer, employee or their representatives do not agree with resolutions of commission or if commission will not review applications during the period of 10 days, any of the parties will be entitled to apply to the court of law, but it shall be done during period of 10 days from the date of resolution / decision (or unmade decision). Despite that, prosecutor may appeal the ruling, if such ruling is in conflict with the law “or other regulatory framework” (Article 192).

Appeals to commission or court of law shall be submitted during the limited period of time after the event causing the dispute, i.e., during three months for appeals to commission and in different

periods for appeal to court depending on the nature of dispute (without limitations on non-proprietary rights and indemnities for damage to life or health). In such cases, employees will be relieved of payments of legal fees. As compared to individual disputes, collective disputes are “unresolved discrepancies between employers (unions of employers) and team of employees (employee representatives) on matters related with setting and changing working conditions at the enterprises, executing collective contracts and agreements, as well as application of provisions of legislation and other regulatory framework, collective contracts and agreements.” Mediators will be elected based on agreements of parties (i.e., representatives trade unions and employer). If this does not lead to consensus, then parties will establish “labor arbitration in cooperation with districts or city administrations » (Article 209), where parties elect members and chairperson of arbitration. Arbitration council shall make ruling during the period of 10 days. If agreements may not be reached, the case will be transferred to personnel or trade union that could apply all legal means and tools to address the matter, including strikes. If disputes are related to application of legislation and “other regulatory framework,” then those could be referred to the court of law by one of the parties.

Complaints. Law of RT “On Appeals of Physical and Legal Entities” dated July 23, 2016 contains legal provisions on specific channels of information to be used by the citizens to address their complaints, requests and appeals. Article 14 of the Law sets deadlines for complaint redress: 15 days from the date of appeal for complaints that do not require further review and investigation, and 30 days for appeals requiring additional investigation.

Legal Provisions on Occupational Health and Safety

Matters of Occupational Health and Safety are also regulated under the Labor Code of RT. Chapter 5 of the Code describes toles and responsibilities of employers and employees related with Occupational Health and Safety. The Law requires employers to:

- Be held liable for provision of safe working conditions and occupational health at working places;
- Use personal and collective protective gear to protect the staff (including protective clothing and equipment);
- Ensure appropriate regimen for work and leisure;
- Train workers on their job and safe performing methods;
- Issue guidelines on occupational safety;
- Test the knowledge of workers on safe performance of works;
- Perform certification (attestation) of workplaces at least once every five years;
- Investigate accidents;
- Provide sanitary and medical care;
- Ensure social insurance from accidents and diseases.

Employers with staff of more than 50 people shall establish the Occupational Health and Safety Service (in compliance with Article 20 of LC RT¹¹). This requirement shall be complied with by the PMU/WSDG and will be one of requirements for construction contractors with staff of more than 50 people.

Article 20 gives the employees the right to reject performance of works that conflict with the occupational health and safety requirements. In addition, employees working under harmful working conditions will be entitled for free medical and preventive care, additional paid leave and other entitlements and compensations. In case of disability or death, employers shall provide compensation at the amount of multiplied average annual wage, as well as other amounts as established under legislation.

¹¹ LC RT – Labor Code of the Republic of Tajikistan

4.2. WORLD BANK'S ENVIRONMENTAL AND SOCIAL STANDARD - 2: "LABOR AND WORKING CONDITIONS"



ESS 2 is based on the need to improve employment and income-generation to combat poverty and promote economic growth. This will help the Borrower in strengthening robust relations between employees and management, as well as in increasing advantages of Project development from account of fair attitude towards Project staff and ensuring safe and healthy working environment. Safeguard reflects founding principles and rights in the area of labor, as well as touches upon issues related with child and forced labor, freedom of association and collective negotiations. It also contains requirements on provision of complaints redress mechanisms for the project staff and requirements on health and safety. Key objectives of the ESS-2 are to:

- ✓ Ensure occupational health and safety;
- ✓ Ensure fair treatment, non-discrimination and equal opportunities for the Project Staff;
- ✓ Protect the Project staff, especially employees from vulnerable categories;
- ✓ Prevent use of all forms of forced and child labor;
- ✓ Support principles for freedom of unions and rights of the Project staff to conduct collective negotiations in compliance with national legislation;
- ✓ Provide the project staff with accessible mechanisms to address working matters.

This safeguard determines types of labor relations between the Borrower and Project staff. It defines requirements, where Borrower shall ensure development and introduction of written procedures regulating labor relations in compliance with requirements of the WB and national legislation. It determines conditions for work and employment, where the Project staff will access clear information and documentation on conditions for their employment. Information and documentation will contain their rights in compliance with national legislation on labor and employment, including those related to working hours, wages, overtime, compensation and entitlements, as well as those yielding from the requirements under this ESS.

Hiring of Project Staff will be based on equal opportunity principles and fair treatment and shall prevent discrimination in any aspect of labor relations.

Procedures for labor relations provide employees with access to the complaints redress mechanisms to address work related issues and set minimum age for employment or participation in the Project.

Detailed information on the World Bank Environmental and Social Standards is accessible on the following links:

<http://www.worldbank.org/en/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards> and <http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-socialframework/brief/environmental-and-social-standards>

5. RESPONSIBLE STAFF

Responsibilities for respect of employees' rights, ensuring occupational health and safety, meeting requirements under the national labor legislation and provisions under ESS 2 are placed upon administration of the PMU/WSDG, procurement department, M&E specialists, environmental and social development specialists, construction engineers on supervision within their respective fields. Labor relations with each employee will be finalized by the procurement departments in compliance with national legislation and the WB requirements with indication of timelines, wages and mutual obligations. Administrations of the EA will be responsible for ensuring safe conditions in offices, providing every employee with necessary office space and compliance with labor rights of the employee. EA leadership and officials responsible for COVID-19 will be responsible for provision of PPE¹² and additional personnel, detergents and disinfectants for treatment of all surfaces in the office facilities, as well as conducting of awareness activities. Manager and coordinator will control and direct all staff related with the Project.

Contractor will be responsible for conduct of rehabilitation works in compliance with environmental and social requirements as indicated in tender documentation. Contractor will be responsible for outcomes of its activities, as well as for works performed by subcontractors.

Chief Engineer at PMU for construction supervision and regional engineers will manage activities of contractors and control the quality of works. Construction Supervision Engineer along with Specialists on Security / Safety, M&E will control performance of the contractor with the purpose of ensuring respect to the rights of these workers, occupational health and safety requirements at construction sites.

Project Operational Manual (POM) will include templates for contracts and general provisions on organization of construction and performance of works (Technical Specifications), which will contain detailed description of occupational safety measures and obligations of the contractors to comply with all conditions under the contract documentation. For detailed information, please refer to Section 9 – Contractors Management.

All parties of Project implementation within the frame of their mandates, will be responsible to:

- ✓ Introduce labor management procedures;
- ✓ Introduce complaints redress mechanisms for the Project staff, and feedback mechanism. Inform staff on the goals and methods of its use;
- ✓ Ensure that contracts with contractors are developed in compliance with safeguards assessment: Labor Management Procedures and Environmental and Social Framework. Environmental and Social Management Plan (ESMP) and Code of Conduct shall be enclosed to contract documentation of every contractor. Every contractor shall agree measures reflected in the document;
- ✓ Ensure that every contractor has its own plans on Occupational Health and Safety at construction site prior to start of construction works. Specialists from PMU/WSDG shall ensure strict control over compliance with occupational safety requirements in the process of action contractor's operations;
- ✓ Control provision of the contractor's staff with PPEs and notify on all occurrences with staff (injuries, diseases and incidents with contractor);
- ✓ Every contractor will be responsible to develop Action Plan for Prevention of COVID-19 Transmission at Construction Sites and, if such occurs, shall take rapid measures reflected in the plan;
- ✓ Control staff training. Contractor shall conduct introductory, primary training and retraining and briefings at workplaces;
- ✓ Control implementation of the Code of Conduct of the staff.

¹² PPE – Personal Protective Equipment

6. POLICIES AND PROCEDURES

This section reflects internal policies, procedures and practices of the PMU/WSDG in risk prevention and management, as indicated under Chapter 3.

6.1. POLICIES AND PRACTICES OF EXECUTING AGENCIES

Overall responsibility for implementation of the Project activities is placed upon the MID PMU, which possesses sufficient experience in management of both social, as well as environmental risks. During the whole period of active operations, the MID PMU implemented and currently implements two investment projects.

The MID PMU was established based on the Resolution of the Government of Republic of Tajikistan No. 408 dated October 1, 2004. Under subsidiary agreement, it cooperates with Executing Agency – SUE “Khojagii Manziliyu Kommunalii.”

Under active support of the World Bank, the PMU performs its activities in compliance with the legislation of the Republic of Tajikistan and based on the Charter of subdivision.

Main objectives of the MID PMU:

- Timely and effective implementation of the World Bank’s Projects;
- Ensuring target and effective utilization of grants and loans allocated for Project’s implementation.

Main Directions of Operations:

MID PMU is the main agency responsible for execution of Projects and performs its Project activities in compliance with regulations and procedures as indicated under Project Operations Manual (POM). In addition, the MID PMU submits regular reports on progress with implementation of Project. It is also responsible for exchange of information, monitoring and assessment of Project activities. The MID PMU will establish an office (Project Coordination Unit) at regional level within the subproject implementation areas.

Responsibility for overall control of implementation of activities under the project will be placed on the Director and Chief Accountant of the MID PMU.

PCU will be responsible for management of Project at regional level and oversight of operations of contractors and consulting companies hired to perform Project activities, as well as conducting awareness-raising campaigns. PCU will assist the local communities in implementation of their subprojects at local level. PCU will be responsible for collaboration with oblast and district governments and, if necessary, for setting and regulation of relations with local self-governance bodies, as well as other stakeholders.

Key Personnel at PMU:

1. PMU Director
2. Chief Engineer of the Project
3. Chief Accountant of the Project

Ministry of Energy and Water Resources of the Republic of Tajikistan (MEWR RT) does not possess experience in implementation of the World Bank-financed projects. Ministry performs as strategic partner and implements projects through the PMU in Energy Sector (ESPMU).

6.2. HIRING PROCEDURES

During the period of its operations, the PMU gained sufficient capacity to manage environmental and social risks and implications and developed internal procedures regulating labor management.

Staff hiring procedures are based on principles of non-discrimination and equal opportunities. Labor relations with main staff of the MID PMU are formalized by contracts in compliance with the LC RT and requirements of the WB. Specialists working under temporary labor contracts for

the period from one to three months will be engaged to support key staff. The Staff at MID PMU will be hired in compliance with internal hiring procedures regulated by legislation of the Republic of Tajikistan. Selection of consultants will be carried out based on the WB's Procurement Regulations, where the consultant may be selected through:

- Open competitions based on announcement;
- Limited competitions based on three incumbents; and
- Direct selection based on the WB's approval.

Compliance with working conditions, hours and wages. In compliance with the legislation of the Republic of Tajikistan, the subdivision will provide enabling conditions for its staff to comply with labor standards and norms. Contract will stipulate obligations of employee and employer, whereas the employer shall:

- Ensure appropriate provision and equipment of workplaces to perform their duties;
- Provide the employee with necessary equipment, tools, materials and technical documentation;
- Timely inform the employee on hiring and dismissal, and of changes in provisions under labor contract;
- Provide the workplace of the employee with all safeguards under occupational safety, hygiene and sanitation;
- Ensure payment of wages as indicated under contract in compliance with provisions under the Labor Code of the Republic of Tajikistan;
- Take measures to prevent risks at workplaces and indemnification for damages caused to life and health of employee in the course of performing duties in compliance with the LC RT and other regulatory framework;
- Promote training and professional development of employees.

Work and Leisure Time. Regular duration of working week shall not exceed 40 hours a week. In case of five-day working week, the duration of working day shall not exceed 8 hours a day.

Wage Payment Conditions. Official salary (Position Wage) will be calculated for payment from the date of contract execution in national currency for every workday and paid on monthly basis.

Employer shall provide the employee with paid annual leave for the following periods:

- Minimum main leave – 24 calendar days (at least 24 days);
- Additional leave – 10 calendar days;
- Employer shall pay average wages for the paid leave period not later than one week prior to start of leave.

6.3. FORCED AND CHILD LABOR, GENDER ASPECTS

The child, forced, involuntary or unpaid labor will not be used in any construction, contracted or Project-related works. Project does not stipulate any works related with seeding and collecting any agricultural products. Public manual labor related with clearing of channels is not foreseen. Construction and rehabilitation works will be labor-intensive and mechanized. Nonetheless, EA will ensure effective control over prevention of child and forced labor utilization, and within the frame of advocacy, the main focus will be given on raising awareness on provisions of the legislation of the Republic of Tajikistan and Environmental and Social Framework of the World Bank on this matter. A risk monitoring groups will be established in the course of Project implementation that will consist of specialists from PMU/WSDG, representatives of local Hukumat¹³ responsible for the rights of a child, and representatives of water-user associations that will be responsible for identification of facts and adoption of measures at Project level or notifying

¹³ Hukumat – Local Executive Government Body, where the lowest level is the district level

the local government bodies on the facts and responding appropriately. Contractor's Code of Conduct shall contain provisions on protection of children and prevention of use of their labor with construction activities.

Challenges related with gender violence are unlikely under the Project, as such challenges are addressed under the legislation of RT and WB safeguards on this matter. It should be considered that construction works will be carried out in rural settings, and majority of workers will be hired at local level. Participation of women in construction activities will be limited to light type of works (such as clearing the site, cooking meals for workers, cleaning dishes, etc.), as construction works are labor-intensive and mechanized. Local contractors / subcontractors will likely participate in construction and rehabilitation works under the Project. The Code of Conduct (CoC) will be enclosed to the project documentation every contractor, and employees will be required to observe and respect local customs and traditions, respect local women, and women participating at Project's rehabilitation activities, and their privacy. CoC will set standards for behavior within company and in communities, where company operates, and will be one of tools that helps mitigating the risks. CoC will clearly define duties of the contractor, including subcontractor and hired staff. Community will be widely informed on Project's abilities and implementation of GRM within the Project's informational campaigns, whereby they can file complaints to be addressed in timely manner (even if it was filed anonymously). Control over compliance with rules and standards under the CoC, review of applications submitted through the GRM will be placed upon the staff of PMU/WSDG. Specialists of the PMU/WSDG will control and inform about any identified facts or absence of violations. In order to expand gender capacity, i.e., improving engagement of women in Project's operations and obtaining corresponding entitlements for them, specialized training courses will be conducted with focus on empowering women engaged in irrigation sector.

6.4. ENSURING HEALTH OF STAFF AND OCCUPATIONAL SAFETY. SOCIAL RISKS IN EMPLOYMENT AREA

Risks for safety, security and health of the Project's personnel will be mostly related to rehabilitation of irrigation infrastructure and COVID-19. Contractor will be held liable for safety and security of all on the site. Contractor will meet the requirements under legislation of the Republic of Tajikistan on Occupational Health and Safety and / or contract will contain specifications and conditions based on international standards. With the purpose of ensuring occupational safety of officials, staff and personnel, contractor being guided by the Environmental and Social Monitoring Plan (ESMP) will develop a Construction Site Management Plan. ESMP as well as LMP will be integral parts of the contract for every contractor hired by the Project, and compliance with terms reflected in documents will be legally binding requirement. Contractor shall ensure that workers use main protective equipment, basic training on occupational safety and other preventive measures in compliance with requirements under the ESMP. The Contractor will conduct daily briefings of workers on compliance with occupational health and safety standards. Hired workers employed at local level will be provided with general overview considering specifics of performed works followed by introductory briefing and primary briefing on the job. Information of conducted training will be reflected in the safety ledger. Contractor shall comply with all terms reflected in contract documentation and provisions of Terms of Reference based on construction standards in force in the Republic of Tajikistan. Contractor will be held liable for safety of its workers and population and will be obliged to indemnify any damage caused as a result of his/her negligence.

Risks of social insecurity in employment are insignificant, as the most likely employer as per the practices, will be the local contractor. Usually, local communities have close relative links and good neighbor relations based on mutual respect and avoidance of local tensions. However, every contractor / subcontractor as per requirements under legislation of the Republic of Tajikistan, shall officially formalize labor relations with the employee. While hiring the local labor, moral and

psychological features of candidates will be taken into consideration in order to avoid incidents at construction site.

In compliance with the requirements of the legislation of RT, requirements and provisions under the WB's ESS-2, all contractors will be obliged to develop and introduce written procedures regulating labor relations, including procedures to establish and maintain safe working environment, including the Code of Conduct. Under overall leadership of Project Manager or Coordinator, staff of the PMU consisting of engineers on construction supervision, specialists on safety, M&E and PCU Coordinator will manage the contractor's activities and ensure regular control over compliance with requirements indicated in contracts with contractors. For detailed information, please refer to Chapter 9 – Contractor Management.

Health and safety risks at the level of EA, consulting companies and contractors are significant considering situation with COVID-19. Internal order No. 79 dated May 7, 2020 on establishment of the COVID-19 Group is adopted and responsible officials assigned to execute the orders. Since May 2020 till now, PPEs are procured every quarter and distributed among staff, including respirators and gloves, as well as skin antiseptics. Disinfectants will be purchased for support personnel to treat surfaces in offices based on sodium hypochlorite, and detergents to ensure continuous treatment of hands, dishes, etc. Currently, there are 28 employees working at the headquarters of the MID PMU. Majority of staff are vaccinated in two stages with appropriate certification. The requirement by administration for the staff to present a certificate with negative results for COVID-19 from any staff with any sign of diseases is mandatory to ensure safety of PMU Staff. Office space is cleaned on daily basis and all surfaces are treated with disinfectants. Spaces are ventilated 3-4 times a day. Working space for every employee will be organized at safe distance from each other – 2 – 3 meters. All communication and participatory activities of the Project (meetings, missions, etc.) will be conducted in the form of audio- and videocalls. Information materials on signs and symptoms of COVID-19 and infection prevention measures will be placed on the walls of the PMU Office and in public spaces. Safety reminders are placed near entrance to the office, near and inside the lift (elevator), in the corridor and in toilet. Safety guidelines are also placed on the other floors of the same building, at public places. Staff are regularly briefed on the need to comply with rules of personal hygiene and use of PPEs.

Reports, including photographic evidence on preventive measures adopted by the PMU administration are submitted to the TTL¹⁴ of WB Project.

Preventive activities are also implemented by the contractors based on developed Action Plan to Prevent / Avoid Transmission of COVID-19 on Constructions Site and Preventive Measures in case of Its Outbreak. PMU provides regular recommendations and assistance in development of Action Plans. This practice will be continued in the new Project.

¹⁴ TTL – Task Team Leader

7. AGE OF EMPLOYEES

Legislation of the Republic of Tajikistan prohibits performing “hazardous and heavy” work by individuals under 18 years old. Further, there are special requirements on leaves, working hours and other working conditions. PMU / WSDG will ensure that individuals under 18 years old will not be engaged as construction workers, if they are not hired to work in the offices.

Contractors shall determine and verify age of all employees. To do so, the Project will require employees to present formal documentation that could include birth certificate, national ID¹⁵, passport, medical and school records. If it will be discovered that a child under the minimum required age is working under the Project, then measures will be taken to immediately suspend the work or to hold the child liable to protect the best interest of the child.

¹⁵ ID – Identifying Document

8. GRIEVANCES REDRESS MECHANISM FOR WORKERS

A Grievance Redress Mechanism (GRM) will be implemented under the Project for Project employees in compliance with ESS-2 during the period of one month from the effective date of the Project. GRM will build on existing national mechanism, where legal standards applied according to legislation of the Republic of Tajikistan are reflected in the Law of the Republic of Tajikistan “On Applications of Natural Persons and Legal Entities.” In essence, this mechanism will function at two levels – first level is the national level for the staff at offices of WSDG/MEWR RT and PMU/KMK, and the second level – for contractors’ employees. The second level stipulates submission of complaints and other types of applications / referrals mainly from contractor organizations’ staff. Complaints can be filed on actions or decisions of employers which, according to applicants, were not implemented or implemented unfairly. Grievances can be filed anonymously, and confidentiality will be ensured in all cases, including cases, where the identity of filing party is known.

8.1. STRUCTURE OF GRM FOR EMPLOYEES

The Worker GRM for this Project will include two levels: local / contractor level and central level at PMU/WSDG.

Local Level: Contractors will introduce and maintain GRM for their staff in compliance with this LMP. Contractor will appoint a focal point that will be responsible for review and processing of grievances. If the issue cannot be addressed at the contractor’s level during the period of 15 days, then it will be referred to the central level of PMU.

Central Level: The Grievance review group will operate under chairing by the MID PMU Manager, and include representatives from KMK, MEWR RT and Labor Inspection under the Ministry of Labor, Migration and Employment of Population of the Republic of Tajikistan (MoLMEP RT). The PMU’s Specialist on Social Development will act as the group’s secretary that will be responsible for review and processing of claims and grievances. S/he will be responsible for summarizing the number and types of all grievances and issues received from the Project staff as submitted from pilot districts / regions.

Timelines for review of grievances at central level will be 15 days from the date of receipt of grievance that does not require additional investigation and research, and 30 day for applications that require additional investigations. Applicant will be informed on outcomes immediately and not later than during 5 days from the decision date.

If a grievance remains unaddressed to satisfaction of the complainant, then s/he has to file an appeal to the court of appropriate instance.

8.2. GRIEVANCE LOGS

The PMU/WSDG Specialists on Social Development and focal points of contractors will maintain logs for local staff grievances to ensure every grievance filing and its proper tracing, as well as to ensure implementation of registered actions. GRM for specific Project allows filing grievances in anonymous way. The following details will be identified in case of receiving feedback, including grievances:

- Type of application;
- Focal points responsible for review and processing of application;
- Timelines to address the application; and
- Agreed action plan.

Logs shall contain the following information:

- Optional full name of individual, his/her location and details of their grievance;
- Date of grievance filing and date of upload to the Project’s database;
- Details of suggested corrective action;

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- Date, where information on corrective action was sent to the applicant (if applicable);
 - Information on the meeting of the Grievances Redress Group (if required);
 - Grievance closure date; and
 - Date of issuing response to the Applicant.

8.3. MONITORING AND REPORTING ON GRIEVANCES

Contractor's focal points will be responsible for:

- Maintaining logs of incoming grievances at regional level;
- Monitoring unaddressed issues and proposing measures to address them; and
- Providing quarterly reports on GRM to the Social Development Specialists of the PMU/WSDG.

Social Development Specialists of the PMU/WSDG will be responsible for:

- Maintaining the ledger for incoming grievances at central level;
- Compiling, analyzing and uploading grievances to the unified database of the Project;
- Monitoring of unaddressed issues and proposing measures to address them; and
- Submission of quarterly reports on GRM to the M&E Specialist at PMU.

PMU\WSDG will provide the World Bank with quarterly reports that shall include chapter related to the GRM, which contains updated information on the following:

- GRM implementation status (procedures, training, public awareness campaigns, development of budget);
- Qualitative data on the number of incoming grievances (applications, suggestions, requests, positive feedback) with indication of grievances related to ESS-2 of the World Bank and number of addressed grievances;
- Quantitative data on types of grievances and responses, raised challenges and complaints that yet to be addressed;
- Level of satisfaction with adopted measures (responses); and
- Any implemented corrective measures.

PMU/WSDG and its subcontractors will use standards procurement documentation of the Bank of 2017 for bids and contracts that include ESSG on Occupational Health and Safety. In the process of selecting the contractors that will hire contract employees, the PMU/WSDG will consider the following information:

- Information in public records, such as corporate registries and public records on violations of applicable labor legislation, including reports of labor inspections and other law enforcement bodies;
- Business licenses, registrations, permits and certifications;
- Documents related with labor contract regulation systems and occupational health and safety systems (e.g., HR¹⁶ instructions, safety and security programs);
- Identification of staff to regulate labor relations and occupational safety, as well as medical staff, their qualification and certificates;
- Records on court proceedings related with labor relations;
- Certificates / permits / trainings for staff to perform necessary works;
- Records on health and safety of response measures;
- Records of accidents and lethal incidents, as well as notifications of government authorities;
- Records on legal entitlements and prove of staff attendance in appropriate programs;
- Data on the staff wages, including worked time and collected wages;

¹⁶ HR – Human Resources

-
- Identification of members of safety committees and records of meetings; and
 - Copies of previous contracts with contractors and suppliers that demonstrate inclusion of provisions reflecting ESS-2 or similar requirements.

If the grievance is not addressed to satisfaction of the applicant, then he/she will be entitled to appeal to the court of law of appropriate instance or submit a grievance directly to the Grievance redress mechanism (GRM) of the World Bank on the following link: <https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redressservice> or the WB CO in RT¹⁷ at 3rd floor, Business Center “Sozidaniye”, 48, Aini Street, Dushanbe, Tajikistan, or by phone: +992 48 701-5810, email: tajikistan@worldbank.org

Complaint application shall contain clear information on negative impact that, as assumed, was caused or could be caused by the Project supported by the Bank. This, as much as possible, shall be confirmed by existing documentation and correspondence. Applicant can also indicate expected outcome of the grievance’s review. Finally, the grievance shall include information on petitioner or appointed representative and contact details. Grievances submitted through the GRM will be reviewed immediately to ensure expedited addressing of problems related with the Project.

¹⁷ WB CO in RT – World Bank’s Country Office in the Republic of Tajikistan

9. CONTRACT MANAGEMENT

Usually, the construction, repair and rehabilitation works on a site will be performed by one or several contractors that subsequently commission the sites to operators (users). Construction sites are potentially dangerous if safety measures are not ensured. Construction stage may lead to number of unfavorable implications for health and safety of staff participating in rehabilitation works and residents living nearby. Further, negligent contractor may violate written contractual obligations with hired employees or fail to finalize them, while engaging large numbers of third-party staff may promote violation of interests of local communities related with employment and may lead to tensions among local communities. The MID PMU Engineers on Construction Supervision, OHS Specialists, M&E Specialists and PMU/WSDG Coordinators will join the process under overall guidance of Project Managers / Coordinators will be engaged to compliance with principles of equal access to the Project benefits, ensuring control over quality of works in compliance with existing standards, guarantees of appropriate utilization of site after repair and renovation works, compliance of contractor with rights and working conditions of staff, compliance with requirements of national labor legislation and provisions of Environmental and Social Standard-2 of the World Bank on “Working and Labor Conditions”.

Key Negative Implications for Health and Safety will relate to:

- (i) Risks in performance of construction works (noise, risk of injuries),
- (ii) Transmission of communicable diseases;
- (iii) Contamination of local water sources; and
- (iv) Traffic safety and issues with electric devices.

Main occasions of violating staff rights will relate to:

- (i) Lack of measures to prevent discrimination by employers in the course of hiring and payment of wages (by gender, disability, race, social origin, etc.);
- (ii) Lack of provisions on reasonable limitation of working hours;
- (iii) Risk of social insecurity in case of employment without official contractual obligations.

To prevent social and environmental risks, the contracts of contractors will include provisions on occupational health and safety, requirements on compliance with the rights of employees as stipulated under the Template Procurement Documents of the World Bank and legislation of the Republic of Tajikistan. Every hired contractor will sign agreement on mitigating measures reflected in the ESF instruments by environmental and social specialists of the PMU/WSDG.

Contractor will be held liable for outcomes of its operations, as well as for works performed by subcontractors. Contractor shall perform rehabilitation works in compliance with environmental and social standards requirements as indicated in tender documentation.

After contract signature, the contractor will organize its operations in compliance with Schedule of Works that will include the following stages:

- ➔ Inception stage of site survey, organization of construction site and mobilization;
- ➔ Site rehabilitation stage;
- ➔ Completion stage, transfer of rehabilitated stage to the Client and utilizing organization;
- ➔ Warranty period.

Main activities related with the contractor’s staff are stipulated under first two stages: inception and rehabilitation stages.

At the Inception Stage, the contractor together with supervision engineer will conduct the site survey and series of consultations at the level of jamoat (community) leaders and Mahalla Committees to inform about beginning of project activities, benefits for local communities and identify individuals in need of employment. This stage will cover works to organize the construction site, deployment of construction machinery and mobilization of labor at local level.

Main labor force likely will be hired locally, i.e., from the areas, where Project activities will be implemented, and will be covered with corresponding training. Technical staff will be mainly represented by permanent staff of the contractor. In the course of hiring the workforce at local level, it will be required to consider moral and psychological qualities of incumbents in order to prevent incidents at construction site. Prior to start of construction works, the contractor shall be guided by the opinion and recommendations of local representatives of jamoats and mahalla committees. While creating jobs, the particular attention will be paid on engaging people from socially vulnerable groups of population and engaging ethnic minorities living at the site of subproject. It will be mandatory to comply with principles of social equality and non-discrimination. Contractor shall pay attention to gender issues, i.e., engagement of rural women in project activities. Contractor shall make labor contracts with every hired employee, which indicate rights and responsibilities of parties, ensuring safe working conditions and timely payment of salaries .

At the Stage of Construction and Rehabilitation Works, information boards will be installed near the construction sites to inform local population on the Project Activities. The following shall be operational at this stage:

- Temporary construction camps, including construction sites housing equipment and machinery;
- Contractor shall create conditions for leisure and catering of workers, and install caravans to house arriving workers;
- Additional support facilities, such as storage, showers and toilets;
- Vehicles to provide services to workers. Duty transport shall provide transportation of staff to the place of work.

The following safety measures shall be implemented to ensure safety of workers and local population residing near the project site:

- Installation of boards and special signs warning the local residents on danger;
- Installation of appropriate fencing on working places;
- Provision of staff with special uniform, PPE (helmets, gloves, masks, belts, and, if necessary, footwear);
- Hiring qualified health workers to perform medical examination of workers and provide first aid, as required; and
- Installation of fire safety board.

Contractor will be held liable for ensuring that all personnel is appropriately trained on safe use of equipment and machinery. Contractors shall conduct quarterly briefings of workers on occupational health and safety. Prior to start of construction and rehabilitation works, it will be required to ensure overall awareness considering specific features of works, introductory briefing and on the job inception briefing.

In order to prevent disputes with local population, the Contractor, based on Code of Conduct developed by the EA, will set the and comply with staff behavior norms. The Code of Conduct will clearly determine that the contractor and his/her staff will respect and comply with local customs and traditions, as well as respect local women and their privacy.

Responsible staff from the PMU/WSDG will manage the contractor's activities and monitor respect of the rights of contractor's staff and working conditions paying special attention on compliance with contractual obligations by contractors (obligations, applications and warranties) and procedures of labor management. A focal point of the contractor will be appointed for every executed contract. A supervision engineer will be appointed for construction contract. Quality control of performed works shall be under daily control of the local supervision engineers. A report on acceptance of performed works will be developed between the contractor and client on monthly basis. Responsibility for compliance with environmental and social safeguards will be placed upon

the environmental and social specialists, and M&E specialists. These may include regular audits, inspections and / or spot checks of the Project sites and working sites, as well as records and reports developed by the contractors. Supervision engineer together with occupational health and safety specialists shall monitor compliance with main contractual terms, verify the permission and quality of works performed by the contractors, including their technical indicators and compliance with requirements on occupational health and safety, and protection of environment.

Due to uncontrollable situation related with COVID-19, the contractor will develop an Action Plan on Prevention of COVID-19 Transmission at Construction Sites and will take rapid measures in case of outbreak. The PMU/WSDG will assist contractors in development of Action Plans for construction sites and development of emergency measures, when it occurs. Contractor will appoint the focal point on COVID-19 at the level of foreman / deputy and publish internal instructions “On Approval off Guidelines in Case of Incidents on Construction Sites, On Compliance with Requirements and Precautions, Development of Measures in Case of Occurrence”. Contractor will organize expedited procurement of prevention tools: remote thermometers, PPEs for respiratory system, soap, disposable paper towels, gloves, antiseptics for hands, and disinfectants for surfaces and office spaces at amounts sufficient to provide all workers and perform stated activities.

In addition to procurement and provision of staff with PPE and other preventive measures the Action Plan should include the following activities:

- a. Organization of transportation of workers to the site;
- b. Activities to organize access to construction site and working process organization;
- c. Measures to control the health status of workers;
- d. Measures to ensure personal hygiene of workers;
- e. Disinfection of facilities, vehicles and construction machinery; and
- f. Organization of catering for staff.

In case of injury or death at working place, the contract should stipulate insurance coverage or payments for accidents occurring at working place.

Sanctions up to termination of contract will be stipulated for untimely performance and poor quality of works.

Annexes to contracts and project documentation will include the following attachments:

- *Labor Management Procedures (LMP);*
- *Environmental and Social Management Plan;*
- *Occupational Health and Safety Plan on the Construction Site;*
- *Code of Conduct of Contractor and his/her Workers (template);*
- *Labor Contract (template);*
- *Action Plan to Prevent / Avoid Transmission of COVID-19 on Construction Sites (template).*