



Republic of Türkiye

Ministry of Environment, Urbanization and Climate Change

**TÜRKİYE EARTHQUAKE RECOVERY AND
RECONSTRUCTION PROJECT (TERREP)
(P180849)**

Labor Management Procedures (LMP)

August 2023

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Abbreviations

ESMF	Environmental and Social Framework
ESMP	Environmental and Social Management Plan
ESSs	World Bank Environmental and Social Standards
CERC	Contingent Emergency Response Component
DG	General Directorate of MOEUCC
GIIP	Good International and Industry Practices
GM	Grievance Mechanism
GRS	Grievance Redress Service
IFC	International Finance Corporation
ILO	International Labor Organization
ILBANK	İller Bankası A.Ş.
LMP	Labor Management Procedures
LOHS	The Law on Occupational Health and Safety
MoEUCC	Ministry of Environment, Urbanization and Climate Change
OHS	Occupational Health and Safety
PAP	Project Affected People
PIU	Project Implementation Unit
PPE	Personal Protection Equipment
RD	Regional Directorate of MOEUCC
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassment
SPD	Standard Procurement Documents
SuTP	Syrians Under Temporary Protection
TA	Technical Assistance
TERREP	Türkiye Earthquake Recovery and Reconstruction Project
WB	World Bank

1. Introduction

This Labor Management Procedures (LMP) describes the requirements with regard to labor and working conditions applicable during the pre-construction, construction and operation phases of the Türkiye Earthquake Recovery and Reconstruction Project¹ (TERREP), which will be financed by the World Bank and implemented by MoEUCC with the involvement of participating municipalities/utilities. It aims to promote fair and equitable labor practices for the fair treatment, non-discrimination and equal opportunity of workers in all sub-projects. It aims to protect project workers' rights and ensure the management and control of activities that may pose labor-related risks, and occupational health and safety.

This LMP describes the requirements and expectations in terms of compliance, reporting, roles and responsibilities, monitoring and training with respect to labor and working conditions. This procedure is adopted by MoEUCC and will apply to all project workers. It describes how MoEUCC will comply with the requirements of World Bank Environmental and Social Standard (ESS) 2, "Labor and Working Conditions", and with Turkish labor, employment and occupational health and safety laws.

This LMP assesses potential labor risks and impacts and describes how they will be mitigated. MoEUCC will use reasonable efforts to require project contractors, or other intermediaries procuring labor, to apply this labor management procedure.

This is a *living document* and will be updated further as and when more information becomes available.

1.1. Project Overview

The World Bank will be supporting the Ministry of Environment Urbanization and Climate Change in implementing the Türkiye Earthquake Recovery and Reconstruction Project (TERREP). The objective of the project is to restore access to essential municipal and health services and resilient housing in selected provinces affected by the February 2023 earthquakes in Türkiye.. The project will support the following activities: recovery efforts of Government of Türkiye (GoT) to restore access to essential municipal and health services for affected Turkish citizens and Syrians Under Temporary Protection (SuTPs), reconstruct resilient rural housing in areas affected by the February 2023 earthquakes, provision of temporary facilities and equipment, rehabilitation/structural strengthening and resilient reconstruction of damaged infrastructure and rural houses, barns, haystacks, workplaces requiring restoration and continuous operation of essential services (i.e. health, water, sanitation and emergency), and GoT's post disaster rural housing reconstruction program.

¹ For details of the Project and its components please see the Project Appraisal Document (PAD) which is available at <https://documents1.worldbank.org/curated/en/416471656371823533/pdf/Türkiye-Türkiye-Earthquake-Floods-and-Wildfires-Reconstruction-Project.pdf>.

2. Labor Use for the Project

2.1. Characteristics of the Project Workers

It is expected that Projects will engage the following categories of project workers as defined by ESS 2. The anticipated type of project workers is provided as well.

Direct Workers: A direct worker is a worker with whom the Borrower has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The worker is employed or engaged by the Borrower, paid directly by the Borrower, and subject to the Borrower's day-to-day instruction and control. Examples of direct workers may include persons employed or engaged by the Borrower's project implementation unit to carry out design and supervision, monitoring and evaluation or community engagement in relation to the project.

Direct workers of TERREP will include MOEUCC's (Borrower) and the employees of the Project Implementation Units (PIUs) to be established in the municipalities who will have supervising and technical roles, who will work directly in relation to the project. MOEUCC employees are civil servants, therefore will remain subject to the terms and conditions of their existing public sector employment agreement. However, ESS2 provisions on Occupational Health and Safety (OHS), prohibition of child and forced labor will apply to MOEUCC and Municipality staff. The estimated number of direct workers would not likely exceed five (5) staff from technical and financial departments of each Regional Directorate (RD) and /or General Directorate (DG) of MOEUCC. It is estimated that the direct workers would include current MOEUCC's employees from related Regional Directorate of MOEUCC who will be assigned to work on the Project.

It is expected that MOEUCC would also include independent consultants, who are specialized in certain disciplines (such as design review, construction supervision, social safeguards, risk management and environmental assessment and community relations). These consultants will be hired under individual contracts, with specific definition of the assigned tasks and responsibilities. The World Bank's Procurement Guidelines will be implemented during the selection of consultancy services. Consultants will also be responsible for providing overall supervision and oversight, including third-party monitoring where possible to ensure labor and working conditions during the works are in compliance with the national legislation and LMP.

A certain number of staff of municipalities who will benefit from the project will also be engaged in the overall supervision of construction works.

Contracted workers: A contracted worker is a worker employed or engaged by the Contractors to perform work or provide services related to the core functions of the project, where the Contractors are responsible for exercising control over the work, working conditions, and treatment of the project worker. In such circumstances, the employment relationship is between the third party and the project worker, even if the project worker is working on an ongoing basis on project activities. Contracted workers are those engaged in construction works and infrastructure investments and livelihood support activities.

Contracted workers of TERREP will include the workers hired by the project construction contractors, and their sub-contractors. They will be engaged during the following phases of the project:

- pre-construction phase which covers review of technical designs, project documents and procurement of project goods and materials,
- construction phase which covers construction activities, installation and pre-commissioning,

- commissioning phase which covers operational activities of all sub-projects and handing over to the related municipalities.

Community Workers: Some projects financed by the World Bank may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project or where projects are designed and conducted for the purpose of fostering community-driven development. There will be no community worker engagement in any of the sub-projects to be implemented within the scope of TERREP.

Primary supply workers: A primary supply worker is a worker employed or engaged by a primary supplier, providing goods and materials to the project **on an ongoing for the core functions of the project.** ~~over whom a primary supplier exercises control for the work, working conditions, and treatment of the person.~~

Primary supply workers of TERREP are expected to be the employees of third-party companies who, on regular, basis will provide goods or materials essential for the core functions of the project.

Migrant Workers: It is expected that the project will require a combination of local workers from nearby settlements and workers from other parts of Türkiye, and possibly from another country (though the likelihood is low). The previous experience shows that the contractors and sub-contractors might probably hire workers from different regions of Türkiye; these “internal migrants” would be workers who already have experience working on similar construction projects in different parts of the country. Foreign “migrant” workers are likely to be management and technical staff. Refugees with work permits are under the same security umbrella as other Turkish employees in the Turkish Social Security system and They have the same labor rights as Turkish citizen.

2.2. Number of Project Workers

Direct Workers. It is estimated that the total number of direct workers, who will be engaged for the implementation of TERREP activities is expected to be approximately 16 .

Contracted Workers. It is not possible to estimate the number of contracted workers at this stage. This number will become precise when implementation begins, following selection of the contractors as per their workplans and schedule.

Primary Supply Workers. The exact number of primary supply workers required has yet to be determined. When the construction work begins, this number may be determined.

2.3. Timing of Labor Requirements

Direct workers will generally work full time for the project duration. They will be engaged from the beginning to the end of the project. It is expected that the contracted workers will work during the contract period of each sub-project. Duration of the contracts will vary depending on the type and nature of the sub-projects.

3. Assessment of Key Potential Labor Risks

3.1. Project Activities

The Project will finance MOEUCC to support reconstruct of resilient rural housing in areas affected by the February 2023 earthquakes, provision of temporary facilities and equipment, rehabilitation/structural strengthening and resilient reconstruction of damaged infrastructure and rural houses, barns, haystacks, workplaces requiring restoration and continuous operation of essential services (i.e. health, water, sanitation and emergency), and GoT's post disaster rural housing reconstruction program. The project will also put in place measures aimed at disaster preparedness and climate adaptation. All investments will integrate, where feasible, improvements in energy efficiency and opportunities to harness renewable energy, and other design elements aimed at increasing climate change mitigation and adaptation (e.g., increased capacity in storm water pipes, nature-based solutions, urban greening, and reducing urban heat island effects). Particular attention will also be paid to ensure equitable access of communities with different socio-economic profiles to Project benefits, especially women, elderly, historically disadvantaged groups, the disabled, and refugees. The sub-projects will involve construction and rehabilitation of drinking water, sewage, storm water networks, distribution lines, collector lines, pumping stations, roads and bridges. Construction of this type of projects typically includes the following main activities:

- Clearance of right of way (checking of other services presence, e.g., natural gas line, electrical lines, old transmission/distribution/network lines, etc.),
- Construction of bridges, roads and access roads (wherever required),
- Construction of WWTP units,
- Land-clearing,
- Earthworks,
- Reconstruction of collapsed or damaged housing and/or livelihood buildings
- Associated repair and/or reconstruction of basic infrastructure and social facilities ((including community centers, playgrounds, and communal public and/or green spaces)
- Rehabilitation of transmission lines and network lines, removal of pipelines, including asbestos ones (dealing with hazardous waste as well) (when/where required),
- Welding and coating of pipes for transmission and network lines,
- Transporting material to the working area,
- Bringing electrical services (when/where required),
- Reinstatement and revegetation of impacted areas,
- Installing security bars, fences, safety nets, labels, safety signs, and
- Establishment of work camps and area for storage and preparation.

3.2. Key Labor Risks

It is assessed that key labor risks would be associated with health and safety risks related to the construction including demolition, rehabilitation and reconstruction activities of the sub-projects such as exposure to physical, chemical and biological hazards during these activities such as: use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery. As the construction, demolition, rehabilitation and reconstruction activities will involve hazardous work, persons under the age of 18 will not be employed by the Project. Many workers will be exposed to occupational health and

safety hazards, primarily including but not limited to:

- Working at height,
- Electrocutions and arc fault burns (use of or faulty electrical devices, such as cable plugs, cords, hand tools, etc.),
- Dust and noise,
- Electrical works,
- Exposure to chemicals (as paints, solvents, lubricants, and fuels),
- Chain saws and tree fall during timber cutting,
- Travel and working on steep and treacherous terrain,
- Traffic accidents,
- Demolition hazards,
- Transport and handling of waste, including hazardous waste
- Excavations hazards,
- Excavations, earth works hazards vibration,
- Lifting of heavy structures,
- Accidents with exposed rebars,
- Exposure to construction airborne agents (dust, silica and asbestos),
- Ergonomic hazards during construction,
- Environmental hazards (snakes, wasps, bees, etc.),
- Welding hazards (fumes, burns and radiation),
- Steel erection (towers) hazards,
- Lack of awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices,
- Use of rotating and moving equipment,
- Vibration of heavy construction equipment, and
- COVID-19 (or any other epidemic that may emerge) infection.

Based on the experience with construction projects in the Republic of Türkiye, it is assumed that long overtime hours may be a potential labor risk, as well as lack of adequate rest period during the week, and lack of workers' awareness on occupational health and safety requirements such as the use of personal protective equipment (PPE) and safe workplace practices.

The sub-projects do not expect to have labor influx risks as about 99% of the workforce will be hired locally and will be Turkish. However, if other labor risks arise during project implementation, MOEUCC will develop procedures to prevent further impacts.

The Project is assessed as Low on gender-based violence (GBV), sexual exploitation and abuse (SEA)/sexual harassment (SH) risk. Mitigation measures to address SEA/SH risks are included in the section on Policies and Procedures. This LMP includes a Code of Conduct for all workers engaged in the project, including measures for addressing SEA/SH Risks to be adopted by all contractors in projects supporting reconstruction, demolition and civil works.

4. Overview of Labor Legislation: Terms and Conditions

This section sets out the key aspects of national labor legislation with regards to terms and conditions of work, and how national legislation applies to different categories of workers identified in Section 2. The overview focuses on legislation which relates to the items set out in ESS2, paragraph 11 (i.e., wages, deductions, and benefits).

4.1. Labor Legislation

In the Republic of Türkiye, the Labor Law, No. 4857 (LL in further text) is the main law that governs relations between employees and employers, as well as other legal relations deriving from such relations. The Law regulates all forms of employment, rights, obligations, responsibilities and relations between employees and employers, and union operations, unless otherwise provided by special laws. However, the Law does not cover the following categories of employment: (1) sea and air transportation work; (2) agricultural and forestry workplaces or enterprises with 50 or fewer employees; (3) any kind of construction work related to agriculture within the boundaries of the family economy; (4) handicrafts done at home between family members and relatives up to and including the 3rd degree without the participation of non-family members; (5) home services; (6) apprentices; (7) athletes; (8) rehabilitated persons; and (9) workplaces where three people work in accordance with the definition of Article 2 of the Law on Tradesmen and Craftsmen. In Türkiye, special protection is guaranteed to employees under the age of 18 years, workers with disabilities, pregnant women, women, and single parents. governs relations between employees and employers, as well as other legal relations deriving from such relations.

Finally, if employment is transitory (lasts only up to 30 days), provisions of the Law of Obligations shall apply on certain matters as defined by the LL.

4.2. Forced Labor and Child Labor

Turkish Labor Law does not cover forced labor issues. However, the **Constitution of the Republic of Türkiye, Article 18** prohibits forced labor. “No one shall be forced to work. Forced labor is prohibited. Work required of an individual while serving a sentence or under detention provided that the form and conditions of such *labor are prescribed by law; services required from citizens during a state of emergency; and physical or intellectual work necessitated by the needs of the country as a civic obligation shall not be considered as forced labor.*” Prison labor, work during a state of emergency, and work required by the country as a civic obligation do not constitute forced labor. (**Constitution Article 18**).

Article 80 and Article 117 of the Penal Code penalizes human trafficking and violation of the freedom to work and labor, respectively.

Türkiye has ratified the **ILO Convention No. 29 on Forced Labor** and **ILO Convention No. 105 on the Abolition of Forced Labor**.

Turkish Labor Law sets the minimum age at which a child can be employed as well as the conditions under which children can work (**Article 71, Chapter 4**). The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds.

According to Turkish Labor Law, Article 73, Boys under the age of eighteen and women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.

Türkiye has ratified the United Nations (UN) Convention on the Rights of the Child, which protects children from economic exploitation and from performing any work that is likely to be hazardous, interfere with their education, or harm their health or physical, mental, spiritual, moral, or social development.

4.3. Wages and Deductions

Article 32 of the LL defines “**wage**” in general terms, as the amount of money to be paid in cash by employers or by third parties to workers in return for the work performed by them. Remuneration shall be adequate, paid at least once a month, and in legal tender (LL Art. 32). Employees have equal rights for the same work or work of equal value. If wages are paid into the employees’ bank accounts, employers must deliver pay slips to the employees at the time of payment (LL Art. 37). As per team employment contracts, employers or their representatives must pay the employees’ wages separately (LL Art. 16).

Employees may refrain from performing their duties if they have not been paid their wages within 20 days of the agreed date, except in a case of a force majeure. (LL Art. 34). The highest interest rate applied for deposits shall be applied for wages not paid on due date. The labor contracts of such workers shall not be terminated, new workers shall not be admitted in their places and their works shall not be assigned to other persons for not working due to this reason.

Employers may garnish fines from their employees’ wages in accordance with collective agreements and employment contracts, but the amount garnished may not exceed two days’ wages every month (LL Art. 38). Employees must be notified at once, together with the reason, of any wage deductions as fines.

Regarding the team-employment contracts, no amounts may be garnished on behalf of the team leader from the wages of employees (LL Art. 16).

Minimum Wage

The minimum wage is set and reviewed by the Ministry of Labor and Social Security at least once in two years. The minimum wage for jobs involving coal and lignite mining must be at least twice the regular minimum wage set by the Ministry (LL Art. 39).

4.4. Working Hours

Working hours are defined as the period of time during which employees are required to perform tasks for their employers in accordance with their employment contracts. The legal workweek is 45 hours maximum. (LL Art. 63) The 45 hours of work time may be distributed unevenly between the days of the week by the mutual agreement of the parties as long as the maximum daily limit of 11 working hours is not exceeded. (Id.)

The following time shall be considered the employees’ daily working hours: (1) the time miners and other employees working underground or underwater need to descend into the pit or to the actual workplace and to return to the surface; (2) the time required for a business trip; (3) the time during which the employees are at the employers’ disposal although they are not assigned work; (4) the time during which employees perform other duties within the scope of their work, outside the workplace and in accordance with the employers’ instructions; (5) the time allocated to female employees to nurse their babies; (6) the time necessary for transporting employees engaged in the construction, maintenance, repair and alteration of railways, roads and bridges to and from their workplace. (LL Art. 66)

The working hours and conditions of civil servants are regulated by special laws, regulations, and communiqués and may vary depending on the field of work.

4.5. Rest Period

Employees working over seven and half hours a day are entitled to at least a 60-minute break, employees working less than four hours a day are entitled to 15-minute breaks, while employees working between four and seven and half hours a day are entitled to 30-minute breaks during working hours. (LL Art. 68) Breaks may be taken in the middle of work and may be split into several breaks due to the climate or the nature of the work. Breaks during working hours are not reckoned as working time. (Id.)

Breastfeeding employees are entitled to up to 90-minute daily breaks for breastfeeding purposes (until their children turn one). (LL Art. 74) These breaks are reckoned as part of the working day and are remunerated as such. (Id.)

Employees employed in establishments are entitled to a paid weekly uninterrupted 24-hour rest period, provided they have worked on the days preceding the weekly rest day (LL Art. 46).

4.6. Leaves

According to the Turkish Labor Law, Article 53, Employees who have completed a minimum of one year of service in the establishment since their recruitment, including the trial period, shall be allowed to take annual leave with pay. The length of the employee's annual leave with pay shall not be less than,

- a. Fourteen days if his length of service is between one and five years, (five included),
- b. Twenty days if it is more than five and less than fifteen years,
- c. Twenty-six days if it is fifteen years and more (fifteen included).

For employees below the age of eighteen and above the age of fifty, the length of annual leave with pay must not be less than twenty days. The provisions of this Act on annual leave with pay are not applicable to employees engaged in seasonal or other occupations which, owing to their nature, last less than one year.

Employees are also provided to the right to take up to 4 days leave without pay, on the condition that the employee provides documentary evidence that s/he is spending his/her annual leave at a place other than where the workplace is located. National holidays coinciding with annual leave entitlements may not be reckoned as part of the latter. (LL Art. 56).

Employers must keep records of paid annual leaves. (LL Art. 56) Employees under 18 and above 50 are entitled to annual leave of no less than twenty days. (Id.). Annual leave shall be used without interruptions unless employees and employers agree otherwise. Annual leave may be taken in maximum three parts, provided that one part is at least 10 days long. (LL Art. 56) Unused annual leave must be paid to employees upon the termination of their employment contracts. (LL Art. 59).

If employees are found to have accepted gainful employment during their annual leave, they may be asked by their employers to reimburse annual leave remuneration. (LL Art. 58)

Paid leaves for civil servants have been defined in the Law (No:657).

According to the Turkish Labor Law, Article 74, In principle female employees must not be engaged in work for a total period of sixteen weeks, eight weeks before confinement and eight weeks after

confinement. In case of multiple pregnancy, an extra two-week period shall be added to the eight weeks before confinement during which female employees must not work. However, a female employee whose health condition is suitable as approved by a physician's certificate may work at the establishment if she so wishes up until the three weeks before delivery. In this case the time during which she has worked shall be added to the time period allowed to her after confinement.

If the female employee so wishes, she shall be granted an unpaid leave of up to six months after the expiry of the sixteen weeks, or in the case multiple pregnancy, after the expiry of the eighteen weeks indicated above. This period shall not be considered in determining the employee's one year of service for entitlement to annual leave with pay.

Female employees shall be allowed a total of one and a half hour nursing leave in order to enable them to feed their children below the age of one. The employee shall decide herself at what times and in how many instalments she will use this leave. The length of the nursing leave shall be treated as part of the daily working time.

4.7. Overtime Work

Employees may not work more than 270 hours overtime per annum and their consent is required for overtime work. (LL Art 41.) However, employers are allowed to require of their employees to work overtime under specific conditions such as an emergency or a force majeure, in public interest, when the work's nature requires overtime work, and to increase output. (LL Art. 41) In such situations, employees are entitled to adequate time for rest. (LL Art. 42). The Council of Ministers may extend the working hours of workers working in fields of national interest up to the maximum working hours, but only as long as necessary to protect the national interest. (LL Art. 44)

When the time worked is considerably below the regular working hours or when operations have been stopped due to a force majeure or on the days before or after national and public holidays or where the employees are granted time off on their request, employers may require of them to put in compensatory work within two months, in order to make up for the time lost. Such work shall not be considered overtime work or work at extra hours. (LL Art. 64)

Overtime hours are paid one and a half (1.5) times the normal hourly rate, or 1.25 times for part-time employees. Employees may choose 1.5 times the amount of overtime worked as time off in lieu. (LL Art. 41) This time must be used within six months from the time when the overtime work was performed. (Id.)

Overtime work is prohibited for workers with fixed-time contracts, for work at night, and for work carried underground or underwater except in case of a force majeure. If the employees perform overtime work due to this reason, the employers are under the obligation to pay them at least double the hourly rate for such overtime. (Regulations on Overtime and Extra Hours ("ROEH") Arts. 7 and 8) Furthermore, employees under 18, and pregnant and breastfeeding employees are not required to work overtime. (Id.)

4.8. Labor Disputes

In Türkiye, labor courts have jurisdiction over disputes arising out of employment relationships. According to the Law on Labor Courts ("LLC"), employees or employers must request mediation before initiating lawsuits regarding employee receivables, reinstatement claims, and employment and bargaining agreements. (Art. 3) Mandatory mediation does not cover or apply to the pecuniary and non-

pecuniary damages that may arise from occupational illnesses and work-related accidents. (Id.) Employees may also complain of mobbing to the Human Rights and Equality Institution of Türkiye; following the investigation, an administrative fine may be levied against employers.

Where disputes arise from the failure of collective negotiations, the competent local authority has to be notified thereof in writing within six days. (LA Art. 49) Thereafter, the local authority will assign a mediator. (LA Art. 50) If the mediation ends without success, the parties may apply for arbitration. (LA Arts. 51 and 52)

There are no specific requirements on a grievance mechanism to be provided for workers. Similarly, the law does not require of employers to notify employees of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for availing themselves of it.

The Law on Labor Courts entitles employees to file a lawsuit with the competent court in the event the dispute is not peacefully resolved by the relevant authority.

4.9. Workers' Organization

Employees are free to associate in and join trade unions and discrimination based on such membership is prohibited. (Constitution Art. 51, and Law on Trade Unions and Collective Labor Agreements ("LTUCA") Arts. 3, 17, and 25, and LL Art. 18). Trade unions may be established in 20 sectors predefined by the Ministry of Labor and Social Security (LTUCA Art. 5).

Collective agreements are governed by the Law on Trade Unions and Collective Agreements, which regulates trade unions' activities, collective bargaining, and industrial action in both the private and public sectors in 20 activity areas (LTUCA Arts. 1 and 4).

Collective agreements at the sectoral level may only regulate matters related to trainings, OHS, social responsibility, and employment policies (LTUCA Art. 33). Collective agreements at company level may be concluded for one or more workplaces and may cover one or more employers (LTUCA Arts. 33 and 34).

In order to be competent to initiate collective bargaining, trade unions must represent at least three percent of the workers engaged in a given branch of activity, more than 50 percent of workers in the workplace, or 40 percent of the workers in the enterprise to be covered by the collective agreement (LTUCA Art. 41) Their competence is ascertained annually by the Ministry of Labor and Social Security and may be disputed by employers (LTUCA Art. 42).

4.10. Non – discrimination and Equal Opportunities

The Constitution guarantees equality before the law and equal legal protection irrespective of a person's language, race, color, gender, political opinion, philosophical belief, religion, or sect membership. (Art. 10) Employment related discrimination is a criminal offence. (Criminal Code ("CC") Art. 122) The Law on Human Rights and Equality Institution in Türkiye ("HRET") prohibits discrimination based on gender, ethnicity, nationality, skin color, language, religion, philosophical or political opinion, wealth, birth, marital status, health, disability or age. (HRET Art. 3)

The LL prohibits both direct and indirect discrimination against jobseekers and employees on grounds of language, race, disability, political opinion, philosophical belief, religion, or any employment relationship. (LL Art. 5)

Discrimination based on gender and maternity is prohibited, unless justified by biological reasons or the nature of the job. (LL Art. 5) The LL forbids termination of employment on grounds of race, color, sex, marital status, family responsibilities, pregnancy, birth, religion, or political opinion. (LL Art. 18) Furthermore, employers may not discriminate against employees based on the duration of their contracts or on whether they are employed full-time or part-time. (LL Arts. 5, 12, and 13)

Article 6 of the HRET specifically covers job advertisements, selection criteria, recruitment, and promotions. The law lays down and extends the principle of equal treatment to access to employment, vocational training, promotion, and working conditions, and to access all types and all levels of vocational guidance, vocational retraining, including practical work experience (HRET Art. 6).

Turkish law prohibits sexual harassment. Provisions of the Constitution, Criminal Code, Law of Obligations (“LO”), Civil Code, and Labor Law all prohibit harassment.

The LL entitles employees to immediately terminate their employment contracts if they are subject to harassment. Protection from harassment is not limited to sexual harassment but also includes the protection of the employee’s dignity and honor, in which case the employee may be entitled to demand immediate termination of the employment relationship. Employees are entitled to severance pay and all other acquired rights when the employment contract is terminated on these grounds. (LL Arts. 24 and 25) Furthermore, employers must take the necessary actions to protect employees from both psychological and sexual harassment. (LO Art. 417)

Workers who have been discriminated against are entitled to financial compensation amounting to up to their four monthly wages. (LL Art. 5).

4.11. Collective Dismissal

Labor Law 4857 Article 29.- When the employer contemplates collective terminations for reasons of an economic, technological, structural or similar nature necessitated by the requirements of the enterprise, the establishment or activity, s/he shall provide the union shop-stewards, the relevant regional directorate of labor and the Public Employment Office with written information at least 30 days prior to the intended lay-off. A collective dismissal occurs when,

- a) in establishments employing between 20 and 100 employees, a minimum of 10 employees; and
- b) in establishments employing between 101 and 300 employees, a minimum of 10 percent of employees; and
- c) in establishments employing 301 and more workers, a minimum of 30 employees, are to be terminated in accordance with Article 17 on the same date or at different dates within one month.

5. Overview of Labor Legislation: Occupational Health and Safety

The Ministry of Labor and Social Security is the main responsible organization in this field, in collaboration with other ministries and stakeholders, and is responsible for developing, implementing and enforcing legislation. The two most relevant units of the Ministry are the Directorate General of Occupational Safety and Health, and the Department of Guidance and Inspection. The Directorate General develops legislation of occupational safety and health in collaboration with other stakeholders, while Department of Guidance and Inspection perform inspections in terms of compliance with occupational safety and health legislation, and also for labor relations and management issues.

The Law on Occupational Health and Safety (LOHS) and the Regulation on the Occupational Health and Safety Services regulate health and safety in the workplace. The Law covers all sectors, including the agricultural and public sectors. (LOHS Art. 2) Furthermore, the LOHS applies to all workers, including apprentices and interns regardless of their field of activity. (Id.) The LOHS does not apply to the following activities and persons: (1) activities of the Turkish Armed Forces, the police and the National Intelligence Organization except for staff employed in workplaces such as factories, maintenance centers, sewing workshops and the like; (2) rapid response activities of disaster and emergency units; (3) domestic services; (4) persons producing goods and services in their own name and on their own account not employing workers; (5) prison workshops, training, security and vocational course activities for convicts and inmates. (LOHS Art. 2)

Identification of Potential Hazards to Protect Workers, Particularly from Life Threatening Ones and Implementation of Preventive and Protective Measures

To ensure compliance with LOHS regulations, employers are under the obligation to: (1) take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and provide relevant trainings; (2) monitor and check compliance with the undertaken occupational health and safety measures and ensure that non-conforming situations are eliminated; (3) carry out a risk assessment or have one carried out; (4) take into consideration a worker's capabilities as regards health and safety when assigning tasks to the worker; (5) take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard; (6) appoint occupational safety experts, occupational physicians, and other medical personnel; (7) provide the requisite equipment; and (8) establish an occupational health and safety unit; all employers with more than 50 employees are required to establish an occupational safety and health committee. (LOHS Arts. 4, 6 and 22)

Therefore, employers ought to monitor and check whether occupational health and safety measures are followed and ensure that non-conforming situations are eliminated. (LOHS Art.4) They also have to carry out regular risk assessments and take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard. (Id. Art. 10)

Employers must assess foreseeable emergency situations and identify those that might affect workers and the work environment and take measures to prevent and limit adverse effects of such situations. When assessing the risks to the health and safety of workers, employers must take into consideration the following: (1) workers who might be affected by certain risks; (2) choice of work equipment and chemical substances or preparations used; (3) workplace organization and housekeeping; (4) female workers and other workers such as young workers, older workers, disabled, and pregnant or breastfeeding workers. Furthermore, employers must identify in their risk assessments the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used. (LOHS Arts. 10 and 11)

In accordance with the risk assessment results, employers shall identify the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used, while constantly improving the level of protection afforded to workers. (LOHS Art. 10)

Employers must ensure that workers undergo appropriate medical screening. Workers must undergo medical screenings in the following situations: (1) pre-assignment; (2) re-assignment; (3) return to work after repetitive absences from work due to an occupational accident or disease or health problems; and (4) at regular intervals recommended by the Ministry taking into account the workers, the nature of work and hazard class of the company. (LOHS Art. 15) Additionally, employers must provide the requisite equipment with no cost to employees. (LOHS Art. 4)

Before starting work, workers to be employed by employers on work classified as hazardous or very hazardous are to obtain a medical report from an occupational physician. (LOHS Art. 15) Any objections to the medical reports shall be filed with a hospital designated by the Ministry of Health. The decision made by the hospital shall be final. (Id.) The employer shall cover the check-up expenses. (Id.)

For workplaces that carry a high risk of major industrial accidents, employers have to develop a comprehensive accident prevention policy document or safety report according to the size of the workplaces and obtain the Ministry's approval prior to commencing operations. (LOHS Art. 29)

Finally, employers ought to designate a sufficient number of persons adequately trained in and equipped for prevention, protection, evacuation, firefighting, first aid, and other related issues taking into account the size and specific hazards of the undertaking, the nature of the activities, number of employees, and other persons present in the workplace. The number of such workers, their training and equipment available to them, shall be adequate and employers shall arrange emergency drills and trainings and make sure that the rescue teams are available to respond at all times. (LOHS Art. 11)

Training of Project Workers and Maintenance of Training Records

Workers and workers' representatives have to be informed about OHS risks and preventive measures relating to their work, as well as their rights and responsibilities. (LOHS Art. 16) Furthermore, employers shall make sure that employees are trained in safety and health before they start working or when changes are made to the type of work carried out or to the technologies or the equipment used. (LOHS Art. 17) Additionally, workers, who have had an occupational accident or disease, shall receive additional training on causes of the accident or disease, ways to protect themselves, and safe working methods. Similarly, workers who have been absent from work for any reason over six months, shall undergo re-training before resuming work. (LOHS Art. 17) Time spent on trainings shall be reckoned as worktime. Therefore, if the time allocated for trainings exceeds weekly working hours, hours worked in excess of weekly working hours shall be considered overtime. (Id.)

Contracted workers may not perform hazardous work until they provide proof that they have received the requisite training. (LOHS Art. 17)

The employer shall ensure that the employees participate in the occupational health and safety training programs and that the participation is recorded and maintained with the Training Participation Report. (Regulation on the Procedures and Principles of Employee's Occupational Health and Safety Training, Article 5)

Documentation and Reporting of Occupational Accidents, Diseases, and Incidents

Employers must investigate and prepare reports on incidents that may harm the workers, workplace or work equipment or that have damaged the workplace or equipment although they did not result in injury or death. (LOHS Art. 14)

Employers shall notify the Social Security Institution in the following situations: (1) within three workdays after the accident; (2) within three workdays after receiving notification of an occupational disease from health care providers or occupational physicians. Besides, the healthcare provider shall notify the Social Security Institution within ten days of occupational accidents referred to health care providers. (LOHS Art. 14)

Employers are under the obligation to keep records of occupational injuries, accidents, and occupational diseases. (LOHS Art. 14) Furthermore, employers shall ensure that health data of workers undergoing medical examinations are safely stored and kept confidential. (LOHS Art. 15)

Emergency Prevention and Preparedness and Response Arrangements to Emergency Situations

Employers ought to designate a sufficient number of persons adequately trained in and equipped for prevention, protection, evacuation, firefighting, first aid, and other related issues taking into account the size and specific hazards of the undertaking, nature of the activities, number of employees, and other persons present in the workplace. The number of such workers and their training and equipment available to them shall be adequate and employers shall arrange emergency drills and trainings and make sure that the rescue teams are available to respond at all times. (LOHS Art. 11)

In the event of a serious, imminent and unavoidable danger, employers shall take appropriate actions, cease operations and instruct their employees to leave the workplace and move to a safe place. (LOHS Art. 12) Employers may ask only workers, who are adequately trained and equipped and specially assigned, to resume work. (Id.) In the event of a serious and imminent danger, employers shall ensure that all employees are able to take the appropriate actions to avoid the consequences of such danger if their immediate supervisors cannot be contacted. (Id.)

Remedies for Adverse Impacts, Such as Occupational Injuries, Deaths, Disabilities and Diseases

Employees incapacitated for work due to an injury, work-related injury, disease or occupational disease are entitled to (1) a daily temporary incapacity allowance during the period of temporary incapacity to work; and (2) if appropriate a permanent incapacity benefit. Furthermore, survivors of insurance holders who died due to a work accident or an occupational disease are entitled to specific benefits. (SIGHI Arts. 16, 17, 18, 19 and 20)

If a work accident or an occupational disease was the employer's or employees' fault, the Social Security Institution ("SGK" in Turkish) shall collect from the employers the sum of benefits it had paid to the insurance holders or their survivors. (SIGHI Art. 21) Employees are entitled to a disability pension under specific conditions, when permanent disability occurs. (SIGHI Art. 26)

OHS Risks Which May Be Specific to Female Workers

In Türkiye, women may not be employed to perform underground or underwater work in e.g., mines, sewers, and tunnels. (LL Art. 74) Only women over 18 may work nightshifts, the duration of which may not exceed 7.5 hours and they must be provided with safe transportation to their homes after nightshifts. (LL Art. 72, and Regulations on Working Conditions at Night for Female Workers ("RWCNW") Arts. 1 and 5) Furthermore, pregnant and breastfeeding employees are prohibited from working at night from the beginning of pregnancy until one year after they give birth. (RWCNW Art. 9) Also, according to the Regulations on Overtime and Extra Hours ("ROEH"), pregnant and breastfeeding employees may not be required to work overtime. (ROEH Art.8) The Law does not have a balanced representation of women on OHS committees.

Procedures To Establish and Maintain a Safe Working Environment

To ensure compliance with LOHS regulations, employers are under the obligation to, among other things take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and provide relevant trainings, monitor and check compliance with the undertaken occupational health and safety measures and ensure that non-conforming situations are eliminated, carry out a risk assessment or have one carried out, take into consideration a worker's capabilities as regards health and safety when assigning tasks to the worker, take appropriate measures to ensure that workers, who have not received adequate information and instructions, are denied access to areas where there is a life-threatening or special hazard, appoint occupational safety experts, occupational physicians, and other medical personnel, provide the requisite equipment and ensure appropriate use of it, and establish an occupational health and safety unit. Additionally, all employers with more than 50 employees are required to establish an occupational safety and health committee. (LOHS Arts. 4, 6 and 22)

Employers shall consult workers or representatives authorized by trade unions in enterprises with more than two workers' representatives or the workers' representatives themselves in the absence of trade union representatives to ensure the consultation and participation of workers. This entails: (1) consultations with regard to occupational health and safety, the right of workers and/or their representatives to make proposals and take part in discussions and ensuring their participation; (2) consultations regarding the introduction of new technology and the consequences of the choice of equipment, the working conditions and the working environment ensuring the safety and health of workers.

Furthermore, employers shall ensure that support staff and workers' representatives are consulted regarding: (1) the assignment of occupational physicians, occupational safety specialists and other staff within the company or the enlistment, where appropriate, of the competent services or persons outside the undertaking and/or company and designation of staff who will be in charge of first aid, firefighting and evacuation; (2) identification of the protective equipment and protective and preventive measures to be introduced as a result of the risk assessment; (3) prevention of health and safety risks and provision of protective services; (4) provision of information to workers; and (5) trainings to be provided to workers. (LOHS Art. 18)

In accordance with the risk assessment results, employers shall identify the occupational health and safety measures to be taken, as well as the protective gear or equipment to be used, while constantly improving the level of protection afforded to workers. The equipment shall be provided without expense to workers. (LOHS Arts. 10) For workplaces that carry a high risk of major industrial accidents, employers have to develop a comprehensive accident prevention policy document or safety report according to the size of the workplaces and obtain the Ministry's approval prior to commencing operations. (LOHS Art. 29)

Right and Responsibility to Report Unsafe Situation, Right to Leave the Workplace and Prohibition of Retaliation for Reporting

Workers exposed to a serious, imminent and unavoidable danger are entitled to refuse to work, to leave the workplace and seek shelter in a safe space. (LOHS Art. 13) They should not be placed at any disadvantage as a result of their decision. (Id.)

Workers exposed to a serious and imminent danger should immediately report it to the OHS committee or, in the absence of the committee, to the employer. If the committee or employer believes that there is existence of a risk, the employees may leave the job until necessary mitigation measures have been taken. (OHS Art. 13) Employees may terminate employment if the employer fails to take the necessary measures. (Id.)

Collaboration and consultations with project workers on OHS

According to the LOHS, employers have to ensure that contractors inform their workers about OHS risks and measures, as well as their rights and responsibilities. (LOHS Art. 16) Two or more employers sharing a workplace shall cooperate in implementing OHS measures and maintaining occupational hygiene. (LOHS Art. 23)

The principal employer shall be jointly liable with the subcontractor for the obligations ensuing from the Labor Law, from employment contracts of subcontractor's employees or from the collective agreement which the subcontractor is a signatory of. (LL Art. 2) In (sub-) contracting relations lasting longer than six months, the main contractors and subcontractors have to ensure cooperation and coordination among OHS committees. This includes: (1) where the main contractor and sub-contractor have their own committees, the contractor shall ensure cooperation in the enforcement of decisions and maintenance of activities; (2) where the contractor has set up a committee, the sub-contractor shall appoint by proxy an authorized representative to facilitate coordination; (3) the contractor who is not required to set up a committee shall appoint by proxy an authorized member to represent them in the committee set up by the sub-contractor to ensure cooperation and coordination; (4) where the contractor need not set up a committee and the sub-contractor employs more than fifty workers, the contractor and sub-contractor shall set up a joint committee provided that their cooperation is ensured by the contractor. (LOHS Art. 22) Two or more employers who share a workplace and have their own committees shall inform each other of the decisions of their committees that might affect the other. (Id.)

Article 10 of "Regulation on Occupational Health and Safety in Construction Works" specifies the necessity of OHS plan in Construction works.

The law does not require a balanced representation of women in OHS committees.

Facilities for Workers

Provisions applying to the workplace apply also to all premises used by reason of the nature and execution of the work and organized under the same management, including all facilities annexed to the establishment, such as rest rooms, nurseries, cafeterias, dormitories, bathrooms, rooms for medical examination and nursing, places for physical and vocational training and courtyards, as well as company vehicles. (LL Art. 2) Canteens and other food facilities should be provided in establishments with at least 150 employees. (LL Art. 115)

Pursuant to Art. 13 of the Regulation on Work Conditions of Pregnant or Nursing Women, Lactation Rooms and Child Care Units: (1) a lactation room must be provided by employers who employ between 100-150 women, outside but not more than 250 meters away from the workplace; (2) employers with over 150 women workers must establish a day-care center for the 0-6 age group; in case the center is far away from the establishment, the employer must provide transportation; (3) employers may jointly establish a lactation room and/or day-care center or outsource these services to certified institutes.

System for Regular OHS Review

Employers are under the obligation to take the measures necessary to protect the health and safety of workers, including prevention of occupational risks, and to provide relevant trainings. Employers have to carry out regular risk assessments and take appropriate measures to ensure that only workers who have received adequate information and instructions have access to areas where there is a life-threatening or special hazard. (LOHS Arts. 4, 10 and 17)

Employers appoints occupational safety specialist and occupational physician and additionally in workplaces with ten or more employees in the very hazardous class other health personnel. In the

absence of personnel with the specified qualifications among its employees, employers may perform all or part of this service by receiving services from the joint health and safety units. However, if employers have the determined qualifications and the necessary license, employers can undertake the fulfillment of this service, taking into account the hazard class and the number of employees. (LOHS Art. 6) “The obligation to employ occupation safety specialists and occupational physicians in public institutions and in less hazardous workplaces with less than 50 employees, has been postponed to December 31, 2023.”

Employers of 50 or more employees operating more than six months a year shall set up an occupational health and safety committee. Employers are under the obligation to enforce the decisions of the occupational health and safety committees taken in accordance with the legislation on occupational health and safety. (LOHS Art. 22)

Occupational physicians and occupational safety specialists are entitled to inform the employer of major occupational health and safety measures that have to be taken. If employers fail to implement any of these measures against life-threatening hazards, the occupational physicians must notify the Ministry. (LOHS Art. 8)

The Ministry inspectors are entitled to inspect whether the requirements of the LOHS have been implemented. If the inspectors detect a situation constituting a peril to the employees’ lives, work must be stopped until the peril is eliminated. Any objection by the employer to the court must be made within six days upon the decision to stop work. During this period, the employer is still under obligation to pay the employees’ salaries.

6. Responsible Staff

MOEUCC will provide overall project supervision, monitoring and management of sub-projects including monitoring of labor and OHS related issues. MOEUCC through a team of supervision consultants will be responsible in ensuring consistent application of the LMP across sub-projects to be financed (both in full and/or partial). Potential tasks include:

- Implement this LMP to direct workers (including consultants), contracted workers and primary suppliers’ workers (if any)
- Ensure that project contractors responsible for the construction of the sub-projects adopt this LMP and Occupational Health and Safety Plan before the construction stage,
- Appoint an OHS specialist responsible for the supervision OHS measures implementation, in line with ESS2 and Turkish OHS laws and regulations,
- Make sure supervision consultants hired by MOEUCC will also appoint OHS specialist responsible for the supervision OHS measures implementation, in line with ESS2 and Turkish OHS laws and regulations,
- Monitor that the project contractors are meeting obligations towards contracted and sub-contracted workers as included in the General Conditions of Contract the World Bank Standard Procurement Documents, and in line with ESS2 and national labor and OHS law,
- Monitor implementation of project contractors’ labor management procedures,
- Maintain records of recruitment and employment process of direct workers,

- Monitor employment process of contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law,
- Monitor that occupational health and safety standards are met at workplaces in line with national occupational health and safety legislation and Occupational Health and Safety Plan,
- Monitor training of the project workers, as required according to The Law of Turkish on Occupational Health and Safety,
- Ensure that the grievance mechanism for project workers is established and monitor its implementation, and
- Monitor implementation of the workers Code of Conduct (please see Annex 1).

The Supervision Consultant(s) will carry out their task on a daily/monthly/defined basis, on the behalf of the MOEUCC. The Supervision Consultant(s) will employ qualified experts for such oversight and report on contractors' performance to MOEUCC on a monthly basis.

The project contractors, will be responsible for the following in addition to the legislative requirements and MOEUCC's Labor Management Procedure:

- Employ or appoint qualified social, labor, and occupational safety experts to implement project specific LMP, Occupational Health and Safety Plans, and to manage sub-contractors' performance, Develop their own labor management plan and occupational health and safety plan, consistent with this LMP and ESS2, which will apply to contracted and sub-contracted workers. The Contractor's Labor Management Plan (C-LMP) as a minimum should include : (i) working conditions; (ii) management of working/workers relationship; (iii) ToR of employment; (iv) provision of equal opportunity; (v) nondiscrimination on employment and wages policy; (vi) measures and age verification procedure to prevent employment of persons below the age of 18 and awareness activities of the prohibition of child labor (vii) OHS and mitigation of Life and Fire Safety risks; and (viii) grievance mechanism for their employees.
- These plans will be submitted to the supervision consultant for review and approval before the contractors mobilize for the pre-construction phase,
- Supervise their sub-contractors' implementation labor management procedures and occupational health and safety plans,
- Maintain records of recruitment and employment process of contracted workers,
- Monitor employment process of sub-contracted workers to ensure it is carried out in accordance with this labor management procedure and national labor law,
- Clearly communicate job description and employment conditions to contracted workers and provide them with one copy of the employment contract,
- Develop, implement, and maintain workers' grievance mechanism and address the grievance received from the contracted and sub-contracted workers,
- Report on grievance mechanism implementation to the Supervision Consultant and MOEUCC,
- Have a system for regular review and reporting on labor, and occupational safety and health performance,
- Deliver regular induction including but not limited to OHS, HSE, social induction, trainings to employees,

- Ensure that all contractors and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works.
- Ensure that contracted and sub-contracted workers receive training on SEA/SH prevention and Code of Conduct at the start of the employment and monitor SEA/SH prevention measures implementation during the life of the project.
- Ensure that dedicated SEA/SH grievance mechanism is established, monitor and report on its implementation.
- Establish and implement a procedure for documenting specific incidents such as project-related occupational injuries, illnesses, lost time accidents and incidents related to sexual exploitation and abuse and sexual harassment. Maintain such records and require all third parties and primary suppliers to maintain them. Such records will form an input into the regular review of OHS performance and working conditions.
- Implement disciplinary measures in instances of SEA/SH misconduct.
- In instances of medium, severe, fatal, and mass accidents, inform the law enforcement bodies, Labor Inspectorate and the Project Management Unit of MOEUCC.

After the bidding process is completed and the Contractors are known, this labor management procedure can be updated to include additional details about companies, as necessary.

7. Policies and Procedures

This section outlines main policies and procedures to be followed during pre-construction and construction phase of the project. This section will be updated and amended as needed, after construction contract have been awarded.

Where significant safety risks have been identified as part of Section 3, this section outlines how these will be addressed. Where the risk of forced labor has been identified, this section outlines how these will be addressed (see ESS2, paragraph 20 and related Guidance Notes). Where risks of child labor have been identified, these are addressed in Section 8.

MOEUCC has in place Human Resource (HR) Policy and Occupational Health and Safety regulations in compliance with the national law. MOEUCC has published a corporate level Regulation on Human Resource Policy (dated January 4, 2013 in the Official Gazette numbered 28518) is in line with national laws and regulations. The HR Policy defines the employee personnel rights including working hours, leaves (maternity, social events, unpaid), financial rights, working conditions, promotions etc. The policy allows for equal opportunity and employment rights. As MOEUCC is a government agency no one under the legal age (18 years) is permitted to work within the institution thus no child labor related issues will exist. As a government agency, MOEUCC is subject to the national law on OHS of the Ministry of Labor and Social Security. Employees of the MOEUCC are civil servants.

The contractors, including sub-contractors, will prepare their labor management procedures in line with this labor management procedures and national labor law. The principles and procedures presented below represent minimum requirements but are not an exhaustive list of requirements. The following measures will be developed by the contractors and monitored by the PIU and supervision consultant to ensure fair treatment of all employees.

Non-discrimination: As specified in Labor Code of Türkiye, the employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment. Any discrimination based on gender, sexual orientation, age, race, ethnicity, political option, social origin, residence, disability, status, or trade union activity, as well as other criteria not related to his/her professional qualities, shall be prohibited.

Recruitment and Employment: Recruitment procedures will be transparent, public, and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, gender, and other grounds included in the Labor Code, other relevant laws, and World Bank ESS2 standard. The followings will be considered by the Contractors and monitored by MOEUCC and consultants, to ensure fair treatment of all employees:

- Employment opportunities to the local communities and groups via the most appropriate channels and develop job adverts in the corresponding language and clear and inclusive wording
- As per Labor Code requirements, recruitment procedures will be transparent, public, and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, gender, and other grounds included in the Labor Code
- Applications for employment will be considered in accordance with the application procedures established by the project contractors, including sub-contractors.

- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Unskilled labor will be preferentially recruited from the affected communities, settlements, and municipalities.
- Employees will be informed at least one month before their expected release date of the coming termination. According to Turkish Labor Law numbered 4857 for all dismissals including collective redundancy in line with Article 29 of the Law.
- The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer ('Contractors').
- Depending on origin of the employer's and employee's origin the contracts will be developed in corresponding language understandable for both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation.
- While communication language related problems are not expected, attention should be given to ensuring coordination between different sub-contractors and means to address any language differences.
- Foreign workers, migrants, will require residence permit, which will allow them to work in Türkiye.
- The Labor Code prohibits work at night for persons under the age of 18 years. Persons below the age of 18 years will be prohibited to be engaged in hazardous work. MOEUCC will include in contracts that all project contractors (and sub-contractor) personnel must be of the age of 18 years or older. An age verification mechanism will be required to be established by the selected contractors and will be monitored from time-to-time by MOEUCC and participating municipalities.

MOEUCC employees may be expected to carry out field visits and inspections of construction activities. It is not expected that direct project workers would carry out activities with high health and safety risks. National law on OHS in place require MOEUCC staff to use adequate personal protective equipment (PPE) during the works on site. This include high visibility vests, helmets, eye protection, and safety boots (depending on weather and work activities' risks, extra PPE could be added). The provision of specific equipment is not required.

MOEUCC will set the traffic management requirements applicable for MOEUCC vehicles used during the project implementation. This includes provision of first aid kits in the vehicles, periodic inspection of vehicle and fleet, requirements to the drivers to assure safety during the driving according to traffic and driving requirements in Türkiye (Highways Traffic Law – Law No. 2918).

The main health and safety risks will be encountered by the Project construction contractors' and sub-contractors' workforce. All parties that submit proposals for the work will have to demonstrate capability to manage health and safety risk and provide corresponding documentation. After the contract award, the project contractors are required to adopt and provide the labor management procedures and

occupational health and safety plan in line with the ESMF. The contractors will ensure that occupational health and safety plans are implemented by sub-contractors.

OHS Plans. MOEUCC will include into the bidding documents requirements of specific OHS standard that all contractors and sub-contractors will meet under this project. The standards will be consistent with local regulations, World Bank Environmental and Social Framework, World Bank Group Environmental and Health Safety General Guidelines and Good International and Industry Practices (GIIP). The following OHS requirements should as a minimum be included in the OHS Plan to be prepared by the contractors:

- Risk Assessment Procedure,
- Work permitting for hazardous work (working at heights, hot work, work on energized lines, work within confined spaces),
- Golden rules for life threatening works,
- Emergency response procedure,
- Fall prevention and working at heights,
- Excavation, ladders, and scaffolders safety; welding and cutting safety; cranes, derricks, and forklifts safety; power and hand tools safety,
- Respiratory prevention to chemical and airborne hazards (including dust, silica, and asbestos); electrical safety (hazardous energies control, lock out tag out, energy verification, safe distance work, wiring and design protection, grounding, circuit protection, arc fault protection, Electrical safety, PPE and dielectric tools; hazards communication; noise and vibration safety; steel erection safety; fire safety; material handling safety; concrete and masonry safety,
- Construction PPE,
- OHS training, and
- Refuse to work policy.

OHS Staff. In addition, occupational health and safety plans, will among other issues also include the following: the construction contractors will define an OHS accountability matrix for all staff including Project manager, contract manager, OHS staff, foremen, and all employees with clear roles and OHS responsibilities.

Contractors must have its own OHS staff that will be responsible for the implementation and supervision of the OHS program.

Risk Assessment. All contractors are required to develop risk assessment analysis to identify hazards and OHS risk at the workplace. The contractors will develop risk management plans, including Risk Assessment Procedures, to mitigate OHS risks. The procedure should aim to establish and maintain a safe working environment, including that workplaces, machinery, equipment, and processes under their control are safe and without health risk. The Contractors must keep the training records up to date on project site.

Safety Standards and PPE. Contractors will provide a safe workplace; therefore, a risk assessment will be completed before starting any construction activities, and safety measures will be implemented in accordance with applicable safety standards.

All employees will strictly follow Golden rules² for life threatening works (OHS rules that cannot be broken in any circumstances), which will be enforced under contractual matrix of consequences. The employer will provide special clothing, footwear, and other personal protective equipment (PPE) to employees free of charge. Such PPE is to be delivered to employees involved in work related to the elimination of the consequences of accidents and natural disasters. When the PPE is dysfunctional, the employer is obliged to replace PPE at their own expense without the employee's responsibility. If the employee purchases PPE at their own expense, the employer is obliged to reimburse such costs.

OHS Trainings. The employer is responsible for providing OHS training to employees in language understandable to the workers before the work is commenced on:

- General principles of health and safety.
- Working procedures, equipment, machinery, and manual and instructions for the use and repair of work equipment.
- Emergencies and evacuation plans, and their implementation activities.

Existing threats and risks and on measures to be taken with regards to overcoming such situations.

Bi-weekly OHS meetings will be conducted to discuss preventive measures, deviations and non-compliances, accidents, and corrective actions.

Contractors will conduct internal OHS surveys and audits to verify compliance of OHS practices. Non-compliances will be documented and reported to MOEUCC. A time frame for a corrective action will be set and followed up.

Daily OHS briefings, toolbox talks, will be conducted before the commencement of the works highlighting the hazards and preventive measures from each job.

Contractors will document and report to MOEUCC all accidents and illness with a day lost or more, fatalities or serious injuries that may happen at work site. MOEUCC will be notified immediately if fatal incidents occur at work site There must be on site resources for first aid and for more serious injuries there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured workers.

Contractors will provide the access to the construction site only to authorized personnel and verify if workers are meeting training and accreditation requirements in accordance with training standards and applicable regulatory requirements (i.e., truck drivers, crane and excavator operators must be accredited, as well as electricians, the list of vocational training needs have been detailed in Regulation on The Vocational Training in The Hazardous and Very Hazardous Classes, 13.07.2013 dated and 28706 official gazette number).

Workers must be trained to perform hazardous works such as working at heights, confined, etc. including the legislative requirements of The Regulations on Procedures and Principles of Occupational Health and Safety Training, 15.05.2013 dated and 28648 official gazette number. All workers must complete at minimum an OHS induction to have access to the construction site.

If accommodations are provided for workers, Contractors will ensure that they are provided in good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good

² Golden rules usually address issues such as work at heights, work in confined spaces, excavation work, personal protective equipment (PPE), system of work permits, lifting, working on powered systems, traffic, work in high-risk situations, etc. Employers should define their Golden rules in accordance with the nature of work.

illumination, lockers, proper ventilation, safe electrical installation, fire and lightning protection, separate cooking and eating areas. There will be separate facilities provided for men and women.

MOEUCC and/or Supervision Consultant (on behalf of MOEUCC) will conduct periodic supervision of contractors' OHS performance, including site visits, at least monthly. These supervisions will cover compliance with above mentioned standards, accidents, violations of golden rules, recommendations, and progress of ongoing corrective actions. MOEUCC will include in the contract(s) as requirement for contractors to report on issues such as number of accidents rates, severity rates, number of recurring non-compliances, violations of Golden rules, fatalities and serious injuries, and penalties for non-completion.

The MOEUCC will review and approve contractors' safety plans and procedures.

MOEUCC will inform the World Bank promptly about any incident or accident related to the project which has or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, or security incident, accident or circumstance) as soon as reasonably practicable, but no later than 48 hours after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage.

According to the national OHS Law, all employers must notify the Ministry within 3 workdays after OHS related incidents. Specifically, for any significant OHS, environmental or social incidents (e.g., fatalities, lost time incidents, environmental spills etc.), project contractors will inform MOEUCC in 48 hours, and MOEUCC will inform the World Bank about the incident as soon as they are informed. The incident report including root cause analysis, precautions and compensation measures taken, will be submitted to MOEUCC in 30 calendar days and MOEUCC will submit the incident report to the World Bank.

The contractors will adopt and implement Code of Conduct. The contractors should also submit the Code of Conduct to MOEUCC for review and approval. The Code of Conduct will reflect the company's core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to MOEUCC.

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the contractors' monthly report and will be reviewed by MOEUCC.

In addition, the contractors shall report to MOEUCC about any inspections and audits carried out by the respective ministries – the Ministry of Labor and Social Security of Türkiye. The findings of the labor audits will be presented to MOEUCC and the World Bank, if requested.

Refuse to Work Policy: Employees have a right to refuse to perform tasks or instructions assigned by the employer, creating health and safety risks for the employees. Employees are entitled to leave the workplace in the event of danger. The contractors will not dismiss an employee from their job or place them in a less advantageous position than other employees if such employees exercise the rights of reporting or leaving the workplace during the threat of danger.

All contractors are obliged to take appropriate protective measures whenever avoidance of health and safety hazards is not possible. These measures include controlling the hazard at source using protective solutions and providing adequate personal protective equipment (PPE) at no cost to the project/sub-projects worker.

The employer will develop and implement reporting system for any accidents, diseases, and incidents.

First Aid: There must be on site resources for first aid and for more serious injuries. Furthermore, there must be a pre-approved health facility for medical treatment, as well as appropriate transportation of injured workers. Projects with major civil works should have medical doctors on site.

Worker's accommodation: If accommodations are provided for workers, Contractors will ensure that they are provided in good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. There will be separate facilities provided for men and women. The contractors will be liable to comply with "Workers' Accommodation: processes and standards A guidance note" by IFC and the EBRD.

Monitoring and Reporting: The Supervision Consultant will conduct periodic supervision of contractor's OHS performance, including site visits, at least monthly and weekly in case of large infrastructure works. These supervisions will cover compliance with above mentioned standards, accidents, violations of golden rules, recommendations, and progress of ongoing corrective actions. The Borrower will include in the contract(s) as requirement for contractors to report on issues such as number of accidents rates, severity rates, number of recurring non-compliances, violations of Golden rules, fatalities and serious injuries, and penalties for non-completion. Furthermore, the supervision consultant will review and approve contractors' safety plans and procedures. The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health, and safety issues. The information will be included in the construction contractor's monthly report and will be reviewed by the supervision consultant's team.

In addition, the contractor shall report to the Borrower about any inspections and audits carried out by the respective ministries such as the Labor Inspection. The findings of the labor audits will be presented to the Borrower and the Bank, if requested.

Reporting on accidents and incidents: As per the Turkish OHS Law requirements, immediately or within three working days, the employer shall report to the Social Security Institution, verbally and in writing, any fatality, collective or individual serious injury, due to which the employee is unable to work for three consecutive working days, as well as any dangerous event that may put health and safety of the employees at risk.

The Borrower will inform the Bank within 48 hours about any incident or accident related to the project which has or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, SEA/SH, health and safety, or security incident, accident, or circumstance), but no later than three calendar days after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage. The Borrower will prepare a report on the event and the corrective action and submit to the Bank within 30 calendar days of the event in form and content acceptable to the Bank..

Code of Conduct: The construction contractor will develop and implement Code of Conduct. The construction contractor should also submit the Code of Conduct to supervision consultant for review and approval. The Code of Conduct will reflect the company's core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to SEA/SH prevention.

Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH): Sexual exploitation is any actual or attempted abuse of a 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 (UN Glossary on Sexual Exploitation and Abuse 2017, pg. 6). Sexual abuse is actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Glossary on Sexual Exploitation and Abuse 2017, pg. 5). Sexual harassment is any

unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Project workers are prohibited to commit any acts of SEA/SH. Project workers are required to sign a Code of Conduct at the start of employment. Project workers will receive a training on the Code of Conduct and prevention of SEA/SH.

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the construction contractor's monthly report and will be reviewed by the supervision consultant's team. Additionally, the contractor shall report to the Borrower about any inspections and audits carried out by the respective ministries such as the Labor Inspection. The findings of the labor audits will be presented to the Borrower, participating municipalities and the Bank, if requested.

8. Age of Employment

The minimum working-age in this project will be 18 years of age. The national legislation prohibits child labor. Persons under the age of 18 years will not be allowed to be engaged in hazardous work.

The contractors will be required to verify the identity and the age of all workers. This will require workers to provide official documentation to verify age such as a national identification card, passport, driver's license, birth certificate, valid medical or school records.

If a child under the minimum age 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.

For projects where there is a risk of child labor, the following additional mitigation measures can be implemented:

- Trainings/awareness sessions about detrimental aspects of child labor and awareness about national legislation pertaining prohibition of child labor.
- The trainings will include age verification procedure.
- PIU will inform contracted [and community workers] about the grievance mechanism which can be used to report child labor, including anonymous reports.
- The contracts with [include beneficiary/firm/NGO] will include provisions on the prohibition of child and forced labor, and appropriate penalty clauses in the event that they are found to use child or forced labor.
- PIU will carry to periodic supervision visits to monitor that child labor is not engaged in the project activities.
- A full-time Social Specialist will be employed in PIU.
- If available, collaborate with national institutions with a mandate to prevent and eliminate child labor

9. Terms and Conditions

The terms and conditions applying to MOEUCC employees are set out in the MOEUCC's Human Resources Policy which provides for the rights of MOEUCC employees in line with the Turkish Labor Law (numbered 4857) and Civil Servants Law. These internal labor rules and regulations will apply to MOEUCC employees who are assigned to work specifically in relation to the project (direct workers). ESS2 requirements on OHS, and prohibition of child and forced labor shall apply to civil servants.

Terms and conditions of direct workers, who are employed as consultants, are determined by their individual contracts, in line with the Labor Code.

The work hours are 45 per week for direct workers who are MOEUCC employees as well as all workers related to the Project. All project workers will receive at least one rest day (24 hours) after six consecutive days of work. The 45-hour working period can be applied to a maximum of 11 hours per day. But total hours will not exceed 45 hours per week. As per Turkish law, the total of overtime working hours cannot exceed two hundred and seventy hours in a year.

Employees working over seven and half hours a day are entitled to at least a 60-minute break, employees working less than four hours a day are entitled to 15-minute breaks, while employees working between four and seven and half hours a day are entitled to 30-minute breaks during working hours.

Employees employed are entitled to a paid weekly uninterrupted 24-hour rest period. The weekly rest is normally on Sunday. However, an employer may determine another day for using the weekly rest, should the nature or organization of work so require.

The project workers shall have a right to annual, sick, and parental leave as provided in the Labor Code of Türkiye.

All wages earned, social security benefits, unused leave time, pension contributions and any other entitlements will be paid on or before termination of employment contract. The notice periods shall be compliant with Turkish Labor Code requirements.

The contractors' labor management procedure will set out terms and conditions for the contracted workers. These terms and conditions will be in line, at minimum, with this labor management procedure, national Labor Law and General Conditions of the World Bank Standard bidding documents and comparable industry standards.

The employment contracts between the Employer (construction contractor) and the worker will comply to Turkish legal requirements and shall include the job description, working hours, working conditions, wage level (including payment for overtime). In addition, workers will be provided with drugs and alcohol policy and workers Code of Conduct. A copy of the contract will be signed by both parties and a copy of the employment contract will be provided to the worker. Employer may request employees to work overtime, not exceeding 270 hours per year, as stipulated in the Labor Code. Further, the employee's consent shall be required for overtime work, in January each year, as required by the Labor Code.

The Project contractors should adopt this labor management procedure as a part of their contract and will set out terms and conditions for the contracted workers. These terms and conditions will be in line, at minimum, with this labor management procedure, Turkish Labor Law (numbered 4857), Occupational Health and Safety Law (numbered 6331) and General Conditions of the World Bank Standard procurements documents.

10. Grievance Mechanism

MOEUCC shall prepare Grievance Mechanism during the course of the Project, and this mechanism covers worker grievance mechanism. Besides, the PIU and the Contractors/Sub-contractors will also be responsible to establish a grievance mechanism for their workers/staffs during the implementation of Projects including construction works. Detailed Grievance Mechanism process and Sample Grievance Forms are added as Annex 1 in Stakeholder Engagement Plan (SEP) document and can be accessible through³ the Project Web Site https://webdosya.csb.gov.tr/db/kadiyap/icerikler/p180849_sep_moeucc_apr-1-25-2023-wb-moeucc-clean-table-of-content-duzeld--20230502093944.pdf.

11. Contractor Management

MOEUCC will use the World Bank's 2017 Standard Procurement Documents (SPD) for solicitations and contracts, and these include labor and occupational, health and safety requirements.

As part of the process to select design and contractor who will engage contracted workers, MOEUCC and/or the supervision consultant may review the following information:

- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies,
- Business licenses, registrations, permits, and approvals,
- Documents relating to a labor management system, including OHS issues, for example, labor management procedures,
- Identification of labor management, safety, and health personnel, their qualifications, and certifications,
- Workers' certifications/permits/training to perform required work,
- Records of safety and health violations, and responses
- Accident and fatality records and notifications to authorities,
- Records of legally required worker benefits and proof of workers' enrolment in the related programs (training records, vocational certificates, risk assessments),
- Worker payroll records, including hours worked and pay received,
- Identification of safety committee members and records of meetings, and
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

The contracts with contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank SPD and Turkish law. MOEUCC uses the World Bank's SPD documents for construction contracts, and the contracts include remedies for noncompliance with labor and other requirements. Remedies include withholding payment, termination of the contract, and forfeiture of all or part of an environmental, social and health and safety performance security.

³ https://webdosya.csb.gov.tr/db/kadiyap/icerikler/p180849_sep_moeucc_apr-1-25-2023-wb-moeucc-clean-table-of-content-duzeld--20230502093944.pdf

The MOEUCC and/or Supervision Consultant, if applicable, will manage and monitor the performance of Contractor in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations for the sub-projects or work sites and/or of labor management records and reports compiled by contractor.

Contractor's labor management records and reports shall 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.

12. Primary Supply Workers

The MOEUCC will oversee the procurements of goods and materials requirements under the civil works.

Project Contractors will be responsible for procurement and supply of materials and equipment under the same conditions and specifications on ESHS aspects in its contracting agreements.

The primary suppliers to the sub-projects shall be companies that manufacture transmission and network water pipes, WWTP utilities, pumps and valves, concrete, safety equipment, gravel, sand, cement, granite, andesite, iron, fixtures, doors (wood), windows (pvc), laminate flooring, lighting, rockwool, paint and other construction material. These sectors are not known to involve significant risks of child labor and forced labor. If backfilling or reinstatement material is needed, then local quarries also would be considered primary suppliers. Except for the local quarries, it is expected, that the primary suppliers will be large scale national companies.

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 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, the MOEUCC will use the World Bank's SPD documents for construction contracts, which covers remedies for non-compliances.

ANNEX-1. Code of Conduct

CODE OF CONDUCT FOR PROJECT WORKERS

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, laborer 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 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 favours, 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 to 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 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): _____