

FEDERAL REPUBLIC OF SOMALIA



**"BIYOOLE 2" SECOND WATER FOR AGRO-PASTORAL PRODUCTIVITY
AND RESILIENCE PROJECT**

LABOR MANAGEMENT PROCEDURES

24th August 2022

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ABBREVIATIONS AND ACRONYMS

CBO	Community-based organization
CDD	Community Driven Development
CIP	Community Investment Plan
CoC	Code of Conduct
CSO	Civil Society Organization
DG	Director General
ESF	Environment and Social Framework
ESIRT	Environmental and Social Incident Reporting
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
FGS	Federal Government of Somalia
FMS	Federal Member State
FPIC	Free, prior, informed consent
GBV	Gender Based Violence
GM	Grievance Mechanism
GRC	Grievance Redress Committee
GRS	Grievance Redress System
IDPs	Internally Displaced Persons
LMP	Labour Management Procedures
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MoF	Ministry of Finance
MoPIED	Ministry of Planning Investment and Economic Development
NGO	Non-governmental Organization
NSA	Non-State Actor
OHS	Occupational health and safety
OIP	Other Interested Parties
PAD	Project Appraisal Document
PCU	National Project Coordination Unit
PDO	Project Development Objective
PIU	Project Implementation Unit
PLWDs	People Living with Disabilities
PMC	Project Management Committee
PWDA	Puntland Water Development Authority
SRMC	Security Risk Management Company
SEAH	Sexual Exploitation, Abuse and Harassment
SecMF	Security Management Framework
SecMP	Security Management Plan
SEP	Stakeholder Engagement Plan
TOR	Terms of Reference
VDC	Village Development Committee
WASH	Water and Sanitation Hygeine
WBG	World Bank Group

EXECUTIVE SUMMARY

Introduction

1. The proposed Biyoole 2 project will scale up the investments under Biyoole 1. The project, to be financed through the Ministry of Planning Investment and Economic Development (MoPIED) for a period of 5 years (2023 – 2028), will increase activities in Puntland, Galmudug, and South West States. In addition, it will expand to two additional FMSs- Hirshabelle and Jubaland - where it will focus on the drylands (away from the floodplains of the Shabelle and the Juba rivers). This project would duplicate the original Biyoole project in terms of water point development and livelihood support in the surrounding area, while also including environmental services in catchment areas upstream from water points, such as adaptation to climate change vulnerabilities and climate mitigation efforts. Furthermore, the project will support the enhancement of natural resource management upstream of the water point, including water, land, forests, and rangelands, in order to increase the long-term viability of investments.

2. The proposed Project Development Objective (PDO) is **to develop water, agriculture, and environmental services among agro-pastoralist communities in Somalia's drylands**. The achievement of the PDO will be measured by the following outcome-level indicators:

- i. People provided with access to improved water sources.
- ii. People provided with access to improved water sources - female.
- iii. Farmers/clients adopting improved technology.
- iv. Farmers/clients adopting improved technology - female.
- v. Land area under sustainable landscape management practices.

3. The project will have four components as summarized in the table below.

	Component	Sub-component
1.	Development of Multiple Use Water Sources	1.1 <i>Construction of new water points</i> - development of new, climate resilient water infrastructure
		1.2 <i>Rehabilitation of water points</i> - rehabilitation of existing water infrastructure and small prioritized boreholes
		1.3 <i>Institutional and capacity development</i> - strengthen the capacity of Somaliland, FGS, FMSs, and community structures and enhance the capacity of community structures to manage water points and prepare and institutionalize water sharing agreements
2.	Development of Agriculture and Livestock Services around Water Points	2.1 <i>Increased sustainable farming production and development</i> - finance the introduction of technologies, innovations and management practices (TIMPs) related to improved water use efficiency and climate-smart agriculture to farming communities around each of the developed water points
		2.2 <i>Increased sustainable livestock production and development</i> - support the development and diversification of livelihoods among target pastoralist communities
		2.3 <i>Institutional and capacity development</i> - strengthen the capacity of FGS and FMS, and Somaliland governments, the Ministries that are responsible for Agriculture and Livestock
3.	Development of Environmental Upstream Catchment Services	3.1 <i>Environmental restoration</i> - support ecosystem restoration interventions while enhancing the livelihoods of communities upstream the water point, addressing land degradation, flooding and desertification
		3.2 <i>Institutional and capacity development</i> - strengthen the capacity of FGS, FMS and Somaliland governments on environmental protection, and the development and implementation of nature-based solutions and SLM practices
4.	Project Management, Community	4.1 <i>Project Management</i> - ensure that the project is implemented efficiently, on time, and in accordance with the Financing Agreement

Development and Enhancing Livelihoods Planning	4.2 <i>Community-Driven Development Planning</i> - Community-Driven Development (CDD) introduced under Biyoole 1 will be developed further in the proposed project.
	4.3 <i>M&E, Knowledge Management, and Learning</i> - support continuous learning and adaptable knowledge management, using the Ministries of Planning’s web-based management information system (MIS) and M&E systems

Potential labor requirements

4. Under Component 1 and 2 project activities are expected to involve limited civil works in communities for example water points and community defined rehabilitation e.g. including of community centres with some office rehabilitation/construction for implementing agencies in the new FMS and some animal clinics in FMS centres. Labor is therefore expected to be required from contractor workers and community workers. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain as well as OHS risks during construction and operational phases as such OHS requirements will be made part of contracts. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible by and among the workforce. The security of project workers will also be relevant, especially in locations which are insecure or where there is localised conflict between clans or other groups.

5. Given the project may purchase solar panels to pump water, there is a risk of forced labor risk in the procurement of Solar Panels/components in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application. Agricultural labor is often from outside the area and poses the same risks, this expansion of agricultural activities will need to be monitored in terms of labor influx.

6. For component 3 activities, the majority of workers are likely to be community workers (as defined by the ESS2) engaged by contractors and some skilled laborers contracted for the ecosystem-based adaptation. It is expected works under this component will be small, labor intensive engaging community workers with hand tools, on subprojects such as soil and water conservation, afforestation, terracing without heavy equipment on site. All community workers to be engaged under the project will be subject to documented agreements which includes terms on which such labor will be provided. This will include details of what has been agreed, the way in which such agreement was reached, and how the community workers are represented. The agreement will reflect the design of the project and the way in which decisions are reached within the community. While individual agreements with community workers may not need to be in writing, minutes of meeting with the community and community workers to discuss and agree the terms of their engagement with the project will be prepared. The project will prepare minutes of such meetings, and share the minutes with the community, the community workers, and their representatives

Rationale for the Labor Management Procedures (LMP)

7. This LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s ESF, specifically “Environmental and Social Standard 2 (ESS2): “Labor and Working Conditions” and some aspects of Environmental and Social Standard 4 (ESS4): “Community Health and Safety.” The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project. Detailed assessment of ESS 4 provisions are contained in the Environment and Social Framework (ESMF).

Application of the LMP

8. The LMP will be administered to the different categories of project workers: (i) direct workers - (both direct and contracted); (ii) contracted workers including workers for the supervision consultant, third-party monitor (TPM), MIS consultant, security risk management firm, as well as other contractors; (iii) primary supply workers – these will be individuals and agencies engaged by the project and implementing partners as suppliers. These may include those staff contracted by primary suppliers for the project (e.g. solar panels suppliers). Although there are no plans to engage community workers directly, it is possible that project contractors recruit unskilled labor from the local community. If this happens, then the provisions of this LMP will apply to them.

9. The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. Labor Code of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and conditions, remuneration, and OHS, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas and is applicable to all project workers. The Labor Code is broadly consistent with the ESS2 but there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 11).

Mitigation measures proposed

10. The **Project Coordination and Implementation Unit (NPCU)** at MoPIED will be responsible for project management and coordination, compliance with safeguards requirements such as those on labor and working conditions. Their duties include: (i) ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 and ESS4 as. (ii) engage and manage consultants in accordance with this LMP and the applicable procurement documents; (iii) monitor child labor and forced labor in relation to primary suppliers; (iv) develop code of conduct (CoC) and GM and ensure that direct workers and contractors have access (vi) ensure that grievances received from the workers are resolved. reporting the status of grievances and resolutions

11. The **Project Implementation Unit (PIU)** at State levels will have the following tasks in relation to labor and working conditions:(i) supervise the workers’ adherence to the LMP and record recruitment and employment of contracted workers (including subcontractors); (iii) provide induction and regular training to workers on labor and OHS issues; (iv) require contractors and primary suppliers to identify and address risks of child labor, forced labor and serious safety issues; (v) develop functional, accessible and trusted GM for contracted workers, including ensuring that grievances are resolved promptly and confidentially and report the status of grievances and resolutions to the NPCU on a regular basis; (vi) ensure that all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the Code; and (vii) report to FGS MoPIED on labor and OHS performance of the project on a quarterly basis.

12. The **contractors and primary suppliers** will be required to implement the relevant provisions of this LMP: (i) the expressions of interest (EOIs) for the implementing partners will refer to this document while the NSAs will state their experience and capacity in implementing ESS2 and ESS4 requirements for their workers; (ii) the social and environmental specialists will be recruited prior to project effectiveness with experience of labor management and will review the RFP’s for adequate human resource management capacity; (iii) the social and environmental specialists will conduct pre-bid workshops on the E&S requirements including on labor management for the shortlisted implementing partners; (iv) the Implementing partners will include a labor management plan with adequate human resources to implement the plan in their bids (RFPs); and (v) the contractors labor management plan will be reviewed by the social and environmental and OHS specialists at the NPCU level including by the Bank for clearance.

Grievance mechanism

13. Typical workplace grievances include fair and equal opportunity for employment; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. Therefore, a GM will be provided for all Project workers including **direct workers, contracted workers and consultants** to raise workplace concerns. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Handling of grievances should be objective, prompt, confidential and responsive to the needs and concerns of the aggrieved workers, enabling them to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address.

14. This Workers' GM is not same as the GM to be established for project affected stakeholders. The specific GM for the workers will be at two levels - one at FGS-MoPIED level and other at FMS-MoPIED level, and for contracted workers will also have a structure within their organization. It should be emphasized that the GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without the cost and time of escalating to higher stages.

Grievances related to GBV/SEAH

15. The GBV risk rating for this project is Substantial. To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV related cases that should be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant should be provided with information about and assistance to access if requested: confidential appropriate medical, psychological and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. All staff and GM focal points should be informed that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision. If a worker on the project is involved, the incident should be reported immediately to the FGS-level Program Coordinator who will provide further guidance after consulting with the World Bank. The SEAH Prevention and Response Plan, prepared as part of the ESMF, will serve as a reference point for all the stakeholders.

Monitoring of the LMP

16. The NPCU shall establish resources and procedures for managing and monitoring the performance of the project and implementation of the LMP. Monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following: (i) representative samples of employment contracts and signed CoC; (ii) grievances received from the community and workers and their resolution; (iii) reports relating to fatalities and incidents, and implementation of corrective actions; (iv) records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and (v) records of training provided for contracted workers to explain OHS risks and preventive measures.

17. The cost of implementing this LMP is estimated at USD 252,000 for the four years. It is, however, notable that this cost could be adjusted from time to time based on project requirements.

1.0 INTRODUCTION

1.1 Project objectives and components

1. The proposed Biyoole 2 project will scale up the investments under Biyoole 1. The project, to be financed through the Ministry of Planning Investment and Economic Development (MoPIED) for a period of 5 years (2023 – 2028), will increase activities in Puntland, Galmudug, and South West States. In addition, it will expand to two additional FMSs- Hirshabelle and Jubaland - where it will focus on the drylands (away from the floodplains of the Shabelle and the Juba rivers). This project would duplicate the original Biyoole project in terms of water point development and livelihood support in the surrounding area, while also including environmental services in catchment areas upstream from water points, such as adaptation to climate change vulnerabilities and climate mitigation efforts. Furthermore, the project will support the enhancement of natural resource management upstream of the water point, including water, land, forests, and rangelands, in order to increase the long-term viability of investments.

2. Project Development Objective (PDO) is to **develop water, agriculture, and environmental services among agro-pastoralist communities in Somalia’s drylands**. The proposed project will scale up the investments under Biyoole 1. The new project will increase activities in the existing project areas of Somaliland, Puntland, Galmudug, and South West States and will expand to two additional FMSs—Hirshabelle and Jubaland—where it will focus on the areas situated away from the floodplains of the Shabelle and the Jubba rivers. The project will work in areas that are of low security risk and will adopt a flexible approach to selecting new sites should security concerns emerge.

3. While much of the core elements of Biyoole 1 will carry over to Biyoole 2, such as investments in water points and livelihoods that depend on them, there will be some notable changes. The project will add environmental services as a new set of activities in the catchment areas upstream from the water points, this includes adaptation to climate change and climate mitigation measures. In addition, the project will support the strengthening of natural resources management—including water, land, forests, rangelands—upstream the water point, to increase the sustainability of investments. Lastly, institutional strengthening, which was a standalone component under Biyoole 1, will be incorporated into each component, the rationale for this is described comprehensively in the lessons learned section.

4. The project has four components as summarized in Table 1.

Table 1: Project components and sub-components

	Component	Sub-component
1.	Development of Multiple Use Water Sources	1.1 <i>Construction of new water points</i> - development of new, climate resilient water infrastructure
		1.2 <i>Rehabilitation of water points</i> - rehabilitation of existing water infrastructure and small prioritized boreholes
		1.3 <i>Institutional and capacity development</i> - strengthen the capacity of Somaliland, FGS, FMSs, and community structures and enhance the capacity of community structures to manage water points and prepare and institutionalize water sharing agreements
2.	Development of Agriculture and Livestock Services around Water Points	2.1 <i>Increased sustainable farming production and development</i> - finance the introduction of technologies, innovations and management practices (TIMPs) related to improved water use efficiency and climate-smart agriculture to farming communities around each of the developed water points
		2.2 <i>Increased sustainable livestock production and development</i> - support the development and diversification of livelihoods among target pastoralist communities

		2.3 <i>Institutional and capacity development</i> - strengthen the capacity of FGS and FMS, and Somaliland governments, the Ministries that are responsible for Agriculture and Livestock
3.	Development of Environmental Upstream Catchment Services	3.1 <i>Environmental restoration</i> - support ecosystem restoration interventions while enhancing the livelihoods of communities upstream the water point, addressing land degradation, flooding and desertification
		3.2 <i>Institutional and capacity development</i> - strengthen the capacity of FGS, FMS and Somaliland governments on environmental protection, and the development and implementation of nature-based solutions and SLM practices
4.	Project Management, Community Development and Enhancing Livelihoods Planning	4.1 <i>Project Management</i> - ensure that the project is implemented efficiently, on time, and in accordance with the Financing Agreement
		4.2 <i>Community-Driven Development Planning</i> - Community-Driven Development (CDD) introduced under Biyoole 1 will be developed further in the proposed project.
		4.3 <i>M&E, Knowledge Management, and Learning</i> - support continuous learning and adaptable knowledge management, using the Ministries of Planning’s web-based management information system (MIS) and M&E systems

1.2 Project Beneficiaries

5. The primary project beneficiaries are more than 350,000 (of which 175,000 are women) agro-pastoralists in Galmudug, Puntland, South West State, Hirshabelle, Jubaland and Somaliland. The project will provide benefits in the form of access to improved water sources for multiple uses (domestic, livestock, agriculture, horticulture, environmental strengthening); agricultural extension services (livestock and crops); improved livelihood resilience; and adaptive know-how. The distribution of the beneficiaries is presented in Table 2.

Table 2: Breakdown of beneficiary numbers per FMS and Somaliland

Project beneficiaries	Somaliland	Puntland	Galmudug	South West	Hirshabelle	Jubaland	Total
	50,000	90,000	70,000	70,000	35,000	35,000	350,000
Of which are female	25,000	45,000	35,000	35,000	17,500	17,500	175,000

1.3 The Project Expected Results

6. The project is expected to lead to the following high-level results:
- i. Sustainable use of productive resources;
 - ii. Increased crop and livestock production;
 - iii. Increased income for the target populations;
 - iv. Improved food and nutrition security; and
 - v. Increased community resilience to climate change.

1.4 Labor Management Procedures of the World Bank

7. This LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s Environmental and Social Framework (ESF), specifically “Environmental and Social Standard 2 (ESS2): “Labor and Working Conditions” and Environmental and Social Standard 4 (ESS4): “Community Health and Safety.” The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project.

8. The LMP is to be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other ESS in general, and ESS4 in particular. ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. The main objectives of developing LMPs

are to:

- i. Promote safety and health at work;
- ii. Promote the fair treatment, non-discrimination and equal opportunity of project workers;
- iii. Protect project workers, including vulnerable workers such as women, persons with disabilities, and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
- iv. Prevent the use of all forms of forced labor and child labor;
- v. Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law;
- vi. Provide project workers with accessible means to raise workplace concerns; and
- vii. Address the way in which the NPCU will require contractors/subcontractors and primary suppliers to manage their workers in line with ESS2.

9. The LMP sets out the terms and conditions of employment for employing or engaging workers on the project. It also specifies the requirements and standards to be met and policies and procedures to be followed, processes for assessing risks and implementation of compliance measures. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and ensure non-discrimination, equal opportunity, protection, fair treatment, and safe and healthy working conditions. The LMP is a living document to facilitate project planning, preparation, and implementation. It is anticipated that the LMP will be updated as additional information becomes available during project implementation, including in relation to workforce numbers and requirements, timing of project activities, and associated due diligence and social risk management.

10. Although some of the OHS activities are covered under the LMP, the extensive aspects of the OHS are covered in the Project ESMF. It is, however, notable that the project will be subject to a range of labor risks, including OHS risks, safety and security risks and the potential use of child labor. Local contracting arrangements may also mean that project workers do not have contracts or are subject to unfair conditions (lack of breaks, irregular pay, and so on). Female workers may be discriminated against in terms of employment but are also at higher risk of SEAH, and other forms of GBV. Covid-19 may continue to play a role in influencing project implementation, notably around stakeholder engagement and face-to-face gatherings. Virtual options for meetings will be limited due to poor connectivity and a lack of familiarity with such forums. The extent of any labor influx is low, however, the presence of even relatively small numbers of external workers can result in social tensions, increased risk of transmission of diseases and the risk of sexual exploitation and abuse, sexual harassment, and other forms of gender-based violence (GBV).

11. **Forced labor risk in the procurement of Solar Panels/components:** There is a significant risk of forced labor in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the Bank requires Borrowers to strengthen procurement documents that include solar panels/components for the “core functions of a project” as defined in the World Bank Environmental and Social Framework. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The new requirements apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application.

12. There are also risks associated with labor and working conditions including workplace sexual harassment, child and forced labor, lack of contractor compliance with national labor laws and ESS2, and discrimination against women, minorities and persons with disabilities in recruitment and employment are all potential risks during project implementation which will need to be further assessed and addressed, as well as security risks impact on workers and communities.

2.0 OVERVIEW OF LABOR USE ON THE PROJECT

2.1 Labor requirements

13. The Project will include the use of: (i) direct workers including PIU staff and technical advisors etc. The workers will be involved in implementation phase of subprojects including planning activities, supervision and monitoring, etc., many of whom will be existing government workers; (ii) contracted workers mainly associated with the construction activities under component one; and (iii) primary supply workers who will be employed by companies that provide goods and services needed for the project. Community workers may also be involved by contractors in support of infrastructure development.

18. Government civil servants working in connection with the project will remain subject to the terms and conditions of their existing public sector employment agreement or arrangements. ESS 2 will apply to them in respect provision for protecting the work force and occupational health and safety (OHS).

19. Significant labor influx is not expected as a result of the project, as small to medium water infrastructures will be constructed by local companies. Under Component 1 and 2 project activities are expected to involve limited civil works in communities including community driven development works. Labor is therefore expected to be required from contractor workers and community workers. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain as well as OHS risks during construction and operational phases as such OHS requirements will be made part of contracts. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible in the workforce. The security of project workers will also be relevant, especially in locations which are insecure or where there is localised conflict due between clans or other groups.

20. Given the project may purchase solar panels to pump water, there is a risk of forced labor risk in the procurement of Solar Panels/components in the global supply chain for solar panels and solar components. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application. Agricultural labor is often from outside the area and poses the same risks, this expansion of agricultural activities will need to be monitored in terms of labor influx.

21. To support forced labor risk mitigation, the project will strengthen procurement documents that include solar panels/components. These strengthened measures include forced labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application. Agricultural labor is often from outside the area and poses the same risks, this expansion of agricultural activities will need to be monitored in terms of labor influx.

22. For component 3 activities, the majority of workers are likely to be community workers (as defined by the ESS 2) engaged by the contractors, and some skilled laborers contracted for the ecosystem-based adaptation. It is expected works under this component will be small, labor intensive engaging community workers with hand tools, on subprojects such as soil and water conservation, afforestation, terracing without heavy equipment on site.

23. Project workers will be subject to the relevant requirements of national law and ESS2 via this LMP including clear information on the terms and conditions of employment, principles regarding non-discrimination and equal opportunity, rules regarding child labor and forced labor, and OHS measures. The LMP also documents the approaches to addressing worker grievances and will need to be consulted on and cleared prior to

effectiveness.

24. The LMP will be administered to the different categories of project workers as summarized in Table 3.¹

Table 3: Overview of Labor Use based on Biyoole 1 personnel

Level	Potential number of staff	Key functions and responsibilities	Timing of labor requirements
Direct workers	45 direct workers	-NPCIU and PIU staff overseeing the project	Already engaged under Biyoole 1
Consultants	40 seconded civil servants	-Serve on the NPCIU and PIUs -Render specialized functions for the project -Develop and implement key instruments -Build the capacity of staff and other implementers -Set up systems -Conduct monitoring and evaluation	Already engaged under Biyoole 1
Contractors:	TPM: 15 Supervision consultant: 12 CIP consultant: 15 SRMC: 5 workers Grievance call centre: 2 workers	Monitoring (ToR attached) Site selection, Construction Investment Reports, Monitoring construction Community engagement Security risk assessments and management plan and security systems support Manage Biyoole complaints call centre as part of citizen engagement platform	Already engaged under Biyoole 1 Already engaged under Biyoole 1 Already engaged under Biyoole 1 1 Mar 2023
Primary suppliers– these are regular suppliers throughout the project	Yet to be defined	Yet to be defined	
Community workers: daily labourers employed in the community by contractors or doing rangeland rehabilitation	500 500	Rangeland rehabilitation activities and possibly agricultural activities	From March 2023

¹ESS2 applies to project workers including full- time, part-time, temporary, seasonal and migrant workers.

2.2. Labor Requirements and women participation

25. The direct workers of the project will generally be required to work full time and around the year for the project duration. Consultants and contract workers will be engaged based on the need. Primary supply workers will be engaged in project activities as per the requirements of the project team and contractors. Community level workers will be required during specific times based on the roll out of project activities. Given the large role that women play in both agriculture and livestock activities, the project will address challenges that have traditionally limited women’s productivity, particularly access to extension services and inputs. Drawing on lessons from ongoing agro-pastoral investments in Somalia, the project will reserve 20 percent of leadership positions for women in Village Development Committees (VDCs) that participate in the project, while also supporting targeted and culturally sensitive outreach and engagement strategies through PIUs and trained female facilitators to enhance women’s voice in decision-making and planning processes, especially in areas where female participation is lacking. An audit of processes will be conducted to determine risk points where women can be excluded for example, selection for asset transfers and labor-intensive public works (LIPW). Other training will be designed and delivered at times and in locations that are convenient to women given the demands for their time from other duties, and child care will be provided to facilitate their participation. The POM will clarify how this is going to be tracked.

3.0 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

26. Potential risks are those related to labor and working conditions, such as work-related discrimination, forced labor, child labor, labor influx, GBV/SEAH, OHS, and security risks. The NPCU will assess and address these risks by developing recruitment guidelines and procedures while putting in place appropriate OHS measures applying relevant provisions of the Somalia Labor Code (1972), the Civil Service Law and World Bank OHS requirements for the proposed project. Appropriate mitigation measures to address the potential risks will be incorporated into procurement documents.

27. The following are the potential labor-related risks are expected throughout the implementation period of the project. Consultations for the LMP and other E&S instruments were held on 21st June and 7th July 2022 for 28 male and 5 female participants from FMS and FGS government ministries, NGOs, and CBOs. Several issues were discussed as summarized in annex 1, and further consultations are planned to take place at FMS and district levels with more stakeholders during the launching workshops and meetings. Below are some of the issues from the virtual consultation meetings conducted:

- i. **OHS risks:** These include occupational risks, moving equipment and machinery, noise, vibration, welding, chemical hazards, working environment temperature, working at height and safety and hygiene in worker camps during construction phase of the project. The primary risk to worker safety is health-related due to the potential for exposure to highly infectious diseases such as Covid-19 and HIV/AIDS, as well as security risks in the workplace or for workers as they travel to carry out their work. Lack of personal protective equipment (PPE) and safe workplace practices may put the workers at risk. In addition, physical structures from which workers provide services to the community may not cater for females e.g. washrooms, and rest/prayer rooms, which may limit their functionality and accessibility of services for women.²
- ii. Potential community health and safety related risks from the project include exposure to improper waste disposal, air emissions, wastewater discharges, etc. Labor influx will be relatively minor, given the limited construction and minor rehabilitation of water sources using local sub-contractors. However, there may be some influx of people water services. Labor influx in the local area could also expose the community members to infectious diseases (HIV/AIDS and COVID-19), GBV/SEA/H and conflict between workers and the community members. The presence of many people in small areas leads to challenges with social amenities and access to basic commodities.
- iii. Community conflict might arise due to influx of skilled workers and limited employment opportunities offered to local community.

28. **Non-compliance of Somali Labor Laws:** Fair recruitment of workers may be flawed due to the culture of nepotism and elite capture, and fair recruitment may not be practiced during the implementation of the project. There may also be bias against individuals and groups of people including minority groups and clans, persons living with disabilities (PLWDs) and women. Also, implementation of labor laws particularly around prompt payment, overtime, maternity leave and nursing breaks may not be observed.

29. **Discrimination and exclusion:** According to the stakeholder consultations, some professionals and consultants (including those from disadvantaged and vulnerable groups) may be deliberately excluded from employment opportunities under the project due to clannism and nepotism unless the project incorporates specific mitigation measures. People in senior positions at the Ministries may set higher employment

²Further reference can be made on the following documents: Construction OHS risks (WBG General EHS Guideline and WBG guidance related to Covid-19 in small scale construction works. For both construction and operation phase, the WB Guidance Note for Borrowers on ESS2 provides some information on OHS risks.

qualifications which may marginalize disadvantaged and vulnerable groups including women, persons from ethnic minority groups, IDPs, female headed households, and PLWDs. Sexual harassment and other forms of abusive behaviour by workers could compromise the safety and wellbeing of workers and persons from disadvantaged groups thus affecting project performance. On the other hand, water facilities may not be configured to allow access to project workers who use wheelchairs and other assistive devices for movement.

30. **Labor disputes over terms and conditions of employment:** Like any other project, labor-related disputes are possible in the Biyoole 2 project. According to the stakeholder interviews, labor-related disputes may emerge between project professionals (and consultants) and the Ministries involved in the project (or contracted agencies) over wages, working hours, payment delays, health and safety concerns in the work environment and working conditions. In turn, there is also a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, or any grievances raised. Such situations could degenerate into labor unrest and resultant disruptions in service provision and damage to project property.

31. **Labor influx:** Labor influx will be low, given small to medium water infrastructures will be constructed by local companies and only minor rehabilitation using local sub-contractors and will likely reside within the community or in workers accommodation. Labor influx could lead to conflict over social resources, spread of infectious diseases (including COVID-19 and HIV/AIDS), cultural/behaviour changes and GBV/SEAH. To minimize labor influx, the project will contractually require the contractors to preferentially recruit unskilled labor from the local communities and nearby areas. All contracted workers will be required to sign the CoC prior to the commencement of work, which includes a provision to address the risk of SEAH.

32. **Child labor and forced labor:** Somalia is within top 10 countries of the world with highest child labor risks. Close to 40 percent of all children under 15 of age are put to work in Somalia, where they engage in the worst forms of child labor, according to the UNHCR.³ Child and forced labor risks are likely to happen as the project will recruit unskilled labour and children may be used to do unpaid menial jobs in construction and rehabilitation works.

33. **Risk of Insecurity:** There are widespread security risks in Somalia to varying degrees for communities, contractors, and project staff. Implementation will not be possible in al-Shabaab-controlled areas and security issues need to be carefully assessed and managed elsewhere. The use of security forces either during travel or at protect sites be carried out in line with the World Bank's Good Practice Note on Assessing and Managing the Risks and Impacts of the Use of Security Personnel. A project level security risk assessment and management plan will be prepared before effectiveness, identifying what areas are possible to work in. Following this site-specific security risk assessments and management plans will be prepared including specific measures for project workers and contractors and will be referred to in the contractor's contracts and will be implemented with capacity building support and close follow up. A robust and continuous contextual analysis will be done to ensure safety of both the beneficiaries and project staff, both direct and indirect.

34. **Gender Based Violence/Sexual Exploitation, Abuse and Harassment (GBV/SEAH):** Female workers may be subject to GBV/SEAH in the recruitment or retention process given men dominate the hiring process in most if not all government offices and local companies. Given the weak capacity of the government to enforce rules against discriminatory practices in the workplace, the potential is acute for women. Potential abuse of power and sexual exploitation in labour practices, especially during recruitment, can distort power relations and lead to opportunities for abuse. For example, labour-intensive work schemes and/or cash for work programs (in general) - i.e., ecosystem restoration activities which normally involve stone collection from the far rocky areas and laying in the rangelands - can expose women to sexual exploitation, harassment, or violence; when moving

³ <https://www.businessinsider.com/countries-worst-child-labor-risks-2012-1?IR=T>

about communities and engaging with male leaders and/or community members. The use of local labourers (mostly men) to support ploughing for women involved in agricultural production has been noted to increase fear of being sexually assaulted, and the potential perpetrators may go unidentified due to a lack of background checks. Women and girls can face high risks related to limitations on their mobility and presence in agriculture, livelihoods and income-generating spaces. For example, travelling long distances to reach infrastructure work sites or sell items can increase targeting, exploitation and harm from non-partner individuals, including armed groups/forces/individuals and other individuals associated with the supply and value chain for products.

35. **Risk of informal arrangements between contractors and local labor:** The VDCs and community elders will be sensitized to ensure that identify the potential community laborers for contractors, the laborers are informed of their rights which among others includes making the engagement arrangements public within the community and done in the presence of the elders in the community. The CDD/social specialists will include the issue in the community engagement and awareness raising programs done at the community level, and during award of contracts for the local contractors.

4.0 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

36. The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. Labor Code of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and conditions, remuneration, and occupational health and safety, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas and is applicable to all project workers. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 11).

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

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

- a. Content of individual contract of employment (Article 46)
 - Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract.
- b. Notice for termination of contract (Article 50)
 - Either of the contracting parties may terminate a contract of employment by giving written notice as follows:
 - (a) Not less than ten days in the case of manual workers;
 - (b) Not less than 30 days in the case of non-manual workers;
 - (c) No notice need be given in case the duration of contract does not exceed one month.
- c. Minimum wages (Article 72)
 - Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labor Commission, and with the approval of the Council of Secretaries.
- d. Hours of work (Article 85, 86)
 - The normal hours of work of a worker shall not exceed eight a day or 48 a week.
 - Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.
- e. Weekly rest (Article 96)
 - Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
 - Workers shall also be entitled to a rest day on public holidays recognized as such by the State.
- f. Annual leave (Article 97)
 - Workers shall be entitled to 30 days leave with pay for every year of continuous service.
 - An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- g. Fringe benefits (Article 73)

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

h. Deductions from remuneration (Article 82)

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

i. Death benefit (Article 53)

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

j. Expecting and nursing mothers (Article 91)

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

k. Nursing breaks (Article 92)

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

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

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

40. The following were ratified in April 2021:

- *Violence and Harassment Convention, 2019 (No. 190);*
- *International Labor Standards Convention, 1976 (No. 144);*
- *the Occupational Safety and Health Convention, 1981 (No. 155);*
- *the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);*
- *the Migration for Employment (Revised) Convention, 1949 (No. 97);*
- *the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);*
- *and the Private Employment Agencies Convention, 1997 (No. 181).*

5.0 BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

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

42. Protection against possible risks (Article 101)

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

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

Notification of industrial accidents and occupational diseases (Article 102)

- The employer shall immediately notify the competent Labor Inspectorate of all accidents resulting in injury of death and occupational diseases. The ESIRT requirements will also inform this process.

Medical facilities (Article 103)

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

Conveyance of injured and sick workers (Article 104)

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

43. The Revised Draft Somalia Labor Code has more emphasis on OHS requirements. It makes the Director of Occupational Safety and Health (OSH) responsible for the registration of hazards and risks, regulation and supervision of all workplaces and monitoring or enforcing compliance with Labor Code and any other Labor law to the extent that they regulate safety, health and welfare in the workplaces. Part VI of the Revised Draft Labor Code covers the administration of occupational accidents, injury and disease provisions at workplace, employer's

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

44. In the absence of a fully adopted revised Somalia Labor Code and functioning implementation mechanisms (oversight bodies and courts), the ability of the government to adequately adjudicate the provisions in the LMP is constrained. The Civil Service Commission is able to address the complaints of civil service workers that are limited to unfair dismissals. Through the LMP, the Government has identified gaps between ESS2/ESS4 requirements and legislation and its implementation so that these can be promoted as part of the project through appropriate technical assistance.

6.0 BRIEF OVERVIEW OF LABOR LEGISLATION: DISCRIMINATION AND ABUSE

6.1 Somalia provisions

45. Somalia’s Provisional Constitution provides that *“all workers, particularly women, have a special right of protection from sexual abuse, segregation and discrimination in the workplace. Every Labor law and practice shall comply with gender equality in the workplace”* (Article 24-5). The following are the relevant provisions in the Labor Code:

46. Expecting and nursing mothers (Article 91)

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

- The cessation of the activity of the undertaking in which the woman worker is employed; and
- The completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.

47. Below is a list of provisions of Labor Code with regard to child labor and forced labor:

a. Prohibited work (Article 90)

- The term “children” means persons of either sex who have not attained the age of 15 years and the term “young persons” means those who have attained the age of 15 years but have not attained the aged of 18 years.
- Where the age is uncertain, medical opinion shall be obtained.

b. Unlawful to employ children (Article 93)

- It shall be unlawful to employ children under the age of 15 years, provided that this restriction as to age shall not apply to:
 - (a) Pupils attending public and state-supervised trade schools or non-profit-making training workshops;
 - (b) Members of the employer’s family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.

c. Minimum age for certain types of work (Article 94)

- The minimum age for employment on a vessel as a trimmer or stoker or on underground work in quarries or mines shall be 18 years, provided that the minimum age for any other employment on a vessel (including a fishing vessel) shall be 15 years;
- Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance or repair of buildings.

d. Freedom of Labor (Article 6)

- Forced or compulsory Labor is forbidden in any form.

6.2 World Bank provisions

48. **Guidelines on OHS requirements:** Measures relating to OHS will be applied to the project. The OHS measures will include the requirements of this LMP and will take into account the General Environmental Health and Safety Guidelines (EHSGs), General EHS Guideline, and other Good International Industry Practice (GIIP). The

OHS measures applicable to the project will be set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP).

49. **Guidelines on non-discrimination and equal opportunity:** Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination on the basis of personal characteristics unrelated to inherent job requirements, with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. This LMP sets out measures to prevent and address harassment, intimidation, and/or exploitation. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.

50. **Guidelines on gender and GBV:** The project team will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children (of working age in accordance with this ESS. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker(s) and the nature of the vulnerability.

51. **Guidelines on the child labor:** The project shall only employ people aged 18 years and above as a precautionary measure.

6.3 Gap Analysis Between ESS2 and Somalia Labor Laws Provisions

52. Table 3 presents an analysis of the key legal provisions and the gap between the Somalia and World Bank requirements. As noted earlier, the key challenge for Somalia is inadequate enforcement of the legal provisions.

Table 3: Gap analysis between Somalia Legislation and World Bank Standards

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
<p>The Objectives of ESS 2 are:</p> <p>a. To promote safety and health at work.</p> <p>b. To promote the fair treatment, non-discrimination and equal opportunity of project workers.</p> <p>c. To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.</p> <p>d. To prevent the use of all forms of forced labor and child labor.</p> <p>e. To support the principles of freedom of association and collective bargaining</p>	<p>Provisional Constitution of the Federal Republic of Somalia. Article 14 stipulates that a person may not be subjected to slavery, servitude, trafficking, or forced labor for any purpose.</p>	<p>The new labor code, amending the code from 1972, has not been passed yet The implementation of the existing articles in practice may not be very strong</p> <p>A decree in Somaliland and legislation in Puntland prohibiting FGM have been drafted.</p>	<p>a. The Project will not allow any forced labor, and will ensure compliance with ESS2 paragraph 20</p> <p>b. The NPCU/PIU will have overall responsibility to monitor the implementation of the LMP</p>
	<p>Article 24.5 stipulates that all workers, particularly women, have a special right of protection from sexual abuse, segregation and discrimination in the workplace. Every labor law and practice shall comply with gender equality in the workplace.</p> <p>The Puntland Sexual Offences Act 2016 prohibits sexual harassment. Human trafficking: A person may not be subjected to slavery, servitude, trafficking or forced Labor offences. Every Labor law shall comply with gender equality. Dismissal for pregnancy. All women have a special right of protection from discrimination.</p>		<p>The LMP spells out a workers' grievance redress mechanism; and the GBV Action Plan provides referral pathways for cases of GBV (see annexes)</p>
	<p>The Labor Code of 1972 stipulates that all contracts of employment must include a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and c) the procedure for suspension or termination of contract.</p>	N/A	<p>The project will implement a workers' grievance mechanism to redress facilitate workplace concerns. See Section XIII.</p>

of project workers in a manner consistent with national law.	Furthermore, all contracts must be submitted to the competent labor inspector for pre-approval.		
f. To provide project workers with accessible means to raise workplace concerns.	The Labor Code of 1972. The employer is obligated to provide adequate measures for health & safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances.	N/A	The Project will apply occupational health and safety management system that is consistent with the IFC General Environmental Health and Safety Guidelines (EHSGs) on OHS
	The Labor Code of 1972. Workers have the right to submit complaints and the employer must give the complaints due consideration.	N/A	The project will implement a workers' grievance mechanism to redress facilitate workplace concerns. See Section XIII
	The Labor Code of 1972. Remuneration must be adequate in view of the quality and quantity of the work delivered and must be non-discriminatory in regard to age, gender and other aspects. Maximum number of working hours per week are 8 hours per day and 6 days per week.	Women are restricted from being employed in night work, and the specific types of work prohibited for women may be prescribed by decree. No provisions on the protection of the rights of domestic workers	The Project will fully comply with the national law and WB ESS 2. Any complaints that emerged through the workers' grievance mechanism will be addressed.
	The Labor Code of 1972. Some work is considered dangerous and unhealthy and forbidden for women and youth (defined as 15-18 years of age). This includes the carrying of heavy weights or work at night.	N/A	The Project will only allow deployment from the age of 18 years.
	The Labor Code of 1972. The Labor Code forbids work for children below the age of 12, but allows employment of children between the age of 12-15, yet employment has to be compatible with proper protection, health and the moral of children.	Children are deployed in worst forms of child labor (forced recruitment by army, forced labor in domestic work, agriculture and herding, breaking rocks for gravel, construction work, commercial sexual exploitations) However, Somalia made efforts to construct a rehabilitation centre for former child	The Project will only allow deployment – in all project worker categories – from the age of 18 years. During the hiring process, careful scrutiny will be employed in the review of documentation that established one's age.

		<p>combatants and establish a Human Trafficking and Smuggling Task Force.</p> <p>Children are further deployed in agriculture (farming, herding livestock, fishing); industry (construction, mining and quarrying); services (street work, working as maids in hotels, domestic work, voluntary recruitment of children by army); children also perform dangerous tasks in street work</p> <p>Laws do not identify hazardous occupations or activities prohibited for children, and.</p> <p>Government does not employ labor inspectors and conducts no inspections.</p>	
	<p>The Labor Code of 1972. The Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions.</p>	<p>N/A</p>	<p>The project will follow national laws and ESS 2 which requires that the project to support the principles of freedom of association and collective bargaining of workers in a manner consistent with national law.</p>

7.0 ROLES AND RESPONSIBILITIES OF PROJECT STAFF

7.1 Management

53. The project will build on the engagement developed over the five years of implementing WALP and Biyoole 1. The existing and established PCU and the State PIUs' and Somaliland model will continue to serve the project. The project will be implemented by the Ministries of Planning—lead coordinating ministry and responsible for Component 4; Ministries of Water/relevant agencies, for example, PWDA in Puntland—Component 1; Ministries of Agriculture and Livestock—Component 2; and Ministries of Environment—Component 3. The PCU will support Hirshabelle and Jubaland to establish the PIUs under their Ministry of Planning and lessons learned under the current project will be used to increase staff skills, build capacity and mitigate risks. State-level and Somaliland PIUs will replicate this structure; some roles, however, will be merged.

54. The FGS PCU will oversee and coordinate the implementation of the project and will guide and train the FMS, as well as provide templates for reporting. It will employ:

- 1 National environmental specialist – who will lead on the contractors ESMP or ESIA;
- 1 full time National Social/CDD specialist – who will lead on the community engagement process as well as the MOU with the community, water sharing agreements and the summary social report and project GM;
- 1 full time GBV/gender specialist – who will be the main focal point for project and SEAH complaints;
- 1 security specialist – who will oversee the security management system and review all site specific security risk assessments and management plans.

55. The project coordinators will coordinate the implementation of day-to-day administration of the project activities. The NPCU will conduct quarterly review and annual review with all stakeholders including the WB and other implementing Partners.

56. The NPCU will have the following tasks in relation to labor and working conditions:

- i. Promote and ensure the overall implementation of this LMP, including training and orientation of the staff at the Ministries of Planning (responsible for Component 4), and ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 in relation to the management of their workers;
- ii. Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents;
- iii. Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers;
- iv. Develop the tools necessary for the implementation of this LMP including the CoC for contractors and for workers;
- v. Sensitize contractors and project workers on the provisions in the LMP including the CoCs;
- vi. Ensure that the GM for project workers is established and implemented and that workers are informed about it;
- vii. Ensure that grievances received from the workers are resolved promptly, and reporting the status of grievances and resolutions;
- viii. Promote the LMP implementation and ensure monitoring of labor and OHS performance; and
- ix. Report to the World Bank on the implementation of the LMP every 6 months.

57. **Project Implementation Unit (PIU) at State level.** The PIU will have the following tasks in relation to labor and working conditions:

- i. Support the contractors in the development of Labor Management Plans;
- ii. Supervise the contractors on the implementation of the Plans;
- iii. Supervise the workers' adherence to the LMP;
- iv. Maintain records of recruitment and employment of contracted workers (including subcontractors);
- v. Provide induction and regular training to workers on social and OHS issues;
- vi. Require contractors and primary suppliers to identify and address risks of child labor, forced labor and serious safety issues;
- vii. Implement the GM for contracted workers, including ensuring that grievances received from the workers are resolved promptly, and reporting the status of grievances and resolutions to the NPCU on a regular basis;
- viii. Ensure that all contractor and subcontractor workers understand and sign the CoC prior to the commencement of works and supervise compliance with the Code; and
- ix. Report to FGS MoPIED on labor and OHS performance of the project quarterly.

58. **Implementing partners:** The implementing partners will be required to implement the relevant provisions of this LMP, including an undertaking that:

- i. The expressions of interest (EOIs) for the implementing partners will refer to this document – NGOs will state their experience and capacity in implementing ESS2 requirements for their workers;
- ii. The social and environmental specialists will be recruited prior to project effectiveness with experience in labor management and will review the EOIs for adequate human resource management capacity;
- iii. The social and environmental specialists will conduct pre-bid workshops on the E&S requirements including Labor management for the shortlisted implementing partners;
- iv. The Implementing Partners will include a labor management plan with adequate human resources to implement the plan as part of the ESMPs submitted with their bids (RFPs); and
- v. The contractors' labor management plan will be reviewed by the social and environmental specialists, including by the World Bank for no objection.
- vi. While national labor ministries and FMS Labor Inspectorates lack capacity and resources, the project will engage this offices to monitor contractors as part of PIU inspections.

59. The roles and responsibilities of the various implementers are summarized in Table 5.

Table 4: Summary of the project staff/entity responsible for various key responsibility areas

Responsibility area	Direct workers/Contracted workers	Primary supply workers
Human resources	Hiring the staff to serve in the NPCU	N/A (outside the scope of ESS2)
OHS	Direct workers will follow OHS measures as contained in the ESMF	The PIU will assess the risk of serious safety issues by primary suppliers, and as needed, require them to develop procedures to address these risks
Child labor and forced labor	The contract does not allow child labor and forced labor	
Training on CoC and other provisions	NPCU/PIU/ consultants	n/a (outside the scope of ESS2)
CoC -For contractors -For workers (including contracted project workers)	The contract for direct workers will address relevant risks	
Grievance mechanism	NPCU/PIUs/ consultants	

Monitoring and reporting	NPCU/PIUs/ consultants to monitor and report World Bank	Relevant PIU staff to monitor and report to PIU Coordinator PIU to report to World Bank.
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60. The Project Managers and Coordinators will be responsible for overseeing all OHS aspects of the project including: the registration of hazards and risks; regulation and supervision of all workplaces; and monitoring or enforcing compliance with the Labor Code and any other Labor Law to the extent that they regulate safety, health and welfare in the workplaces.

7.2 Resources for implementing the LMP

61. The project has set aside funds to ensure that the planned LMP activities are implemented and monitored effectively. The summary budget is presented in Table 6.

Table 5: Estimated budget for implementing the LMP (5 years)

LMP Activities	Units	No. Units	Unit Cost, USD	Total cost (USD)
Support the development of Labor Management Plans for all project offices and contractors	Months	6	5,000	30,000
Travel expenses of staff on LMP activities (supervision missions by the safeguards officers and NPCU and PIU leadership) (bi-monthly)	Quarters	20	2,000	40,000
Training (contract management, CoC, GRM, GBV, etc.) for NPCU, PIUs, contractors and primary suppliers (1 st year of implementation)	Months	12	Bulk	60,000
Cost of managing the workers GM	Months	60	1,000	60,000
Monitoring and evaluation	Annually	5	10,000	50,000
Sub-total				240,000
Contingency (5%)				12,000
Total				252,000

8.0 POLICIES AND PROCEDURES

62. **Occupational health and safety:** Pursuant to the relevant provisions of the national Labor Code (Articles 101-104), ESS2, including WBG Environmental, Health and Safety Guidelines (EHSGs)WBG General EHS Guideline, and WB standard procurement documents, the MoPIED will manage the project in such a way that the workers and the target communities are properly protected against possible OHS risks. The detailed OHS measures are provided in ESMF for this project. For labor management, the key elements of OHS measures will include: (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities. In addition, there will be developed safety and security protocols and prevention of risk of exposure to infectious diseases including Covid-19. The project will ensure compliance with national law requirements as well as World Bank guidelines regarding Covid-19. Specific OHS terms and conditions will be established in all relevant project bids and contracts (including service, works, construction, consultancies, etc.).

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

64. **Labor disputes over terms and conditions of employment:** The project will have GMs for direct workers. Contractors will be required to have a GM for contracted workers, to promptly address their workplace grievances. Further, the project will respect the project workers' right of labor unions and freedom of association.

65. **Discrimination and exclusion of vulnerable groups:** The employment of project workers under the project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination based on personal characteristics unrelated to inherent job requirements with respect to any aspects of the employment relationship, such as relating to recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the national Labor Code on gender equality in the workplace, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate for men and women workers. In some cases, affirmative action measures will be used to recruit more female workers.

66. **Security risks:** Considering substantial security risks in some parts of the country, the project will develop a robust security risk assessment and a project wide security management plan (SecMP). There will be full time, well-experienced security advisor in the NPCU at FGS level, who will work with the contracted certified security management firm as follows:

- i. Site specific Security Risk Assessments and Management Plans (SecMP) will be developed and cleared by the World Bank before sites are confirmed and relevant clauses included in the contractors ESMPs, before contracts are signed.
- ii. The NPCU security advisor and the certified security risk management firm should be contracted as before the project becomes effective;
- iii. The NPCU security advisor and the certified security risk management firm will review the E&S due diligence reports for contractors for adequate security management capacity.
- iv. The security management firm will provide ongoing updates of the security risk assessments and capacity building support.

67. **GBV/SEAH incidents:** Given the context of fragility, conflict and violence in Somalia, sexual exploitation and abuse/harassment (SEAH) of co-workers and survey respondents is a substantial risk. Thus, all project workers and government civil servants working on the project will be required to sign a CoC outlining expected standards of behaviour and the consequences of violations in this regard and attend regular awareness sessions on the same. In addition, staff and GM focal points will receive guidance on handling complaints of GBV/SEAH including ensuring utmost confidentiality, following the wishes of the survivor in raising the complaint and referring the survivor to supportive GBV services.

68. All staff and GM focal points will be informed that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred for services from a recommended service provider. They should not under any circumstances try to investigate or refer the issue without explicit agreement of the survivor. If the complainant thinks a worker on the project is involved in the incident or is unsure, the GM focal point should report the incident immediately to the Head of the NPCU who will provide further guidance after consulting with the World Bank. A detailed SEAH prevention and response Plan has been prepared for this project as part of the ESMF.

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

70. **Fatality and serious incidents:** In the event of an occupational fatality or serious injury, the NPCU shall report to the Bank as soon as it becomes aware of such incidents (ESIRT, November 2018)⁴ but at most within 5 days of learning of the incidence and inform the government authorities (where available) in accordance with national reporting requirements (Labor Code Article 102). Corrective actions shall be implemented in response to project-related incidents or accidents. The NPCU or, where relevant, a consultant may conduct a root cause analysis for designing and implementing further corrective actions.

⁴This clause should be included in all relevant bids and contracts.

9.0 AGE OF EMPLOYMENT

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

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

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

73. The PCU will undertake monitoring, at a minimum every six months, of all project workers, to ensure that all contractors, subcontractors and primary suppliers engaged in project activities are not employing/engaging anyone under 18 years of age for work in relation to the project.

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

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

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

10.0 TERMS AND CONDITIONS OF PROJECT WORKERS

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

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

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

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

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

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

82. **Annual leave:** Workers shall be entitled to 30 days’ leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

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

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

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

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

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

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

11.0 GRIEVANCE MECHANISM

89. **General principles:** Typical work-place grievances include fair and equal opportunity for employment; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. Therefore, a grievance mechanism (GM) will be provided for all **direct workers, contracted workers and consultants** to raise workplace concerns. Community workers will also be provided with information on workers' GM when engaged in project activities. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers, enabling them to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address.

90. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential. Confidentiality should be safeguarded if requested to ensure safety and freedom of workers that lodged complaints and whistle blower protection is provided for. The PIU will investigate any suspected breach of confidentiality. This GM is not same as the grievance mechanism to be established for project affected stakeholders. The specific GM for the workers will be **at two levels - one at FGS-MoPIED level and other at FMS-MoPIED level**. It should be emphasized that this GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages.

91. **Direct workers:** The project will have a simple but effective grievance system for direct workers to address workplace complaints and other concerns, including matters relating to workplace GBV/SEAH. Each unit engaging direct workers (NPCU at FGS level, PIU at FMS level and consultants) will hold periodic team meetings to discuss any workplace concerns. The project's GM will borrow provisions from ESS2 and any internal policies within the FGS MoPIED.

92. The workers at both the FGS and FMS levels should be encouraged in the first instance to raise their grievances with their immediate supervision/hiring unit, the immediate supervisor shall then carefully consider the case and endeavor to settle it. If an aggrieved worker is dissatisfied with the proposed settlement, he/she shall submit a complaint, in writing to his/her Head of Department. The worker may in addition to this, request for personal hearing and may be accompanied by a colleague at such hearing. The Head of Department will then communicate his/her decision to the complainant. If the matter is still not settled to the satisfaction of the employee concerned, he/she shall appeal to the head of Human Resources Department who will then take up the matter with the management. If the matter remains outstanding (after having been attempted to address), the aggrieved worker shall refer it to the Director General (DG) who will then take up the matter with the management.

93. If the workers are not comfortable raising grievances with their supervisors/seniors, they can raise issues anonymously via the project complaints system and if they are not happy with the channel, they can raise with the World Bank Somalia office, which will forward it to the Task Team Leader. If no satisfactory response has been received from the CMU, complaints can be lodged with the World Bank GRS or Inspection panel. The worker GM will not impede access to other judicial or administrative remedies that might be available under the law or through arbitration procedures or mechanisms provided through collective agreements.

94. **Project GM:** Channels for complaints and grievances put in place should be convenient for workers. To enable this, the project will have several channels for complaints and grievances including email, phone calls,

texts, blogs, hotline and letter writing that will also be accessible to all workers. Information on the project GM will be made available to workers at all facilities, MoPIED offices (both FGS and FMS levels) and community level (VDCs, for instance) to ensure that all workers, including indirect workers such as community volunteers have adequate information on how to lodge a complaint and who to direct it to. Anonymity will be assured when handling workers' grievances. Although 'suggestion boxes' exist in many worksites and appear to be a preferred form of reporting complaints, the experience has been that these boxes are hardly opened and the issues resolved. If these have to be used as part of the GM, a structure needs to be put in place for opening, reviewing, responding and providing feedback on the issues raised. Table 7 illustrates the process/timeline for addressing general complaints for this project through the GM system.

Table 6: Timelines for managing complaints

No:	Steps to address the grievance	Indicative timeline*	Responsibility
1	Receive, register and acknowledge complaint in writing.	Within two days	SS specialist at FGS level and at FMS level supported by PIU.
2	Screen and establish the basis of the grievance; Where the complaint cannot be accepted (for example, complaints that are not related to the project), the reason for the rejection should be clearly explained to the complainant and where possible referred to the relevant authorities/stakeholders.	Within one week	SS specialist supported by PIU.
3	Program manager and social safeguards officer to consider ways to address the complaint.	Within one week	Program manager supported by PIU.
4	Implement the case resolution and feedback to the complainant	Within 21 days	Program manager with support from GRC.
5	Document the grievance and actions taken and submit the report to PIU.	Within 21 days	SS specialist and GRC supported by PIU.
6	Elevation of the case to a national judiciary system, if complainant so wishes.	Anytime	The complainant
* If this timeline cannot be met, the complainant will be informed in writing that the GRC requires additional time.			SS specialist, GRC supported by PIU.

95. **Grievances related to GBV/SEAH:** To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV/SEAH cases and should be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant should be provided with information about and assistance to access if requested: confidential appropriate medical, psychological and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. All staff and GM focal points should be informed that if a case of GBV/SEAH is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision. If a worker on the project is involved, the incident should be immediately reported to the FGS-level Program Manager who will provide further guidance after consulting with the World Bank.

12.0 CONTRACTOR MANAGEMENT

96. **Selection of Contractors: Biyoole 2** project will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and OHS requirements. The NPCU shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and runs a reliable entity that is able to comply with the relevant requirements under the LMP and established in the World Bank procurement documents. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the NPCU may review the following information:

- i. Business licenses, registrations, permits and approvals;
- ii. Public records, e.g. corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations;
- iii. Documents relating to the contractor's labor management system and OHS system (e.g., HR manuals, safety program, specific personal with OHS designated responsibilities and capacity, information on their actual past performance related to OHS (accidents, violations, OHS statistics, etc.); and
- iv. Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions).

97. **Contractual Provisions and Non-Compliance Remedies:** The NPCU shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10% of payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works). In the case of subcontracting, the NPCU will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.

98. **Performance Monitoring:** The NPCU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The NPCU will ensure that the contracts with the consultants (and the TPM, where applicable) explicitly set out the monitoring responsibilities for the contractors' performance on labor and working conditions on a daily basis. The monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following:

- i. Representative samples of employment contracts and signed CoC;
- ii. Grievances received from the community and workers and their resolution;
- iii. Reports relating to fatalities and incidents and implementation of corrective actions;
- iv. Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and
- v. Records of training provided for contracted workers to explain OHS risks and preventive measures.

13.0 PRIMARY SUPPLY WORKERS

99. **Selection of primary suppliers:** When sourcing primary suppliers, the project will require identification of child labor/forced labor and OHS risks and mitigation measures. Due diligence will be carried out and explicit provisions will be given in the contracts including reporting of serious incidents, which will be grounds for contract termination if not complied with. Where appropriate, the project will be required to include specific requirements on child labor/forced labor and OHS issues in all purchase orders and contracts with primary suppliers. Safety of workers alongside other labor management procedures should be explicit in all contracts and bidding documents and due diligence of the independent verification agent. Grounds for suspension of contractors will include serious incidents not reported to the NPCU within 48 hours.

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

ANNEXES

**ANNEX 1: VIRTUAL INDIVIDUAL STAKEHOLDER CONSULTATIONS HELD DURING THE DEVELOPMENT OF THE INSTRUMENTS
MINUTES OF GOVERNMENT CONSULTATIONS ON THE E&S INSTRUMENTS FOR 21 JUNE 2022 FOR THE BIYOOLE 2 PROJECT.**

Objective: The meetings was to get input and suggestions on improving the draft RPF, ESMF, SEP, and the LMP from the team and government counterparts.

The meeting was organized on 21st June 2022.

Agenda of both meetings

Time	Session	Lead
10:30	Participants Introduction	All
10:45	Welcoming and Opening to Biyoole 2 Project	National Project Coordinator: Dr Abdullahi Elmi
10:45 to 11:30	WB E&S Standards Applicable to Biyoole 2 Project and identified risks and mitigation measures Biyoole 2 Social risks and mitigation measures Inclusion plan and Resettlement Management Framework and discussion	Khalif Hassan Dalmar, environmental specialist Kafi Nidamudin Adam, social specialist
11:30 - 11:45	SEAH prevention and response plan	Maryan Mohammed, acting GBV advisor
11.45-12.30	Q&A and Plenary discussions	Dr Abdullah Elmi
Breaktime and praying		
13:00 14:00	Continue discussion and closing remarks and way forward	Dr Abdullah Elmi

Summary of E&S issues and mitigation measures

	Issues Raised	How will be addressed in project
1.	Role of the district authorities in Biyoole 2 project	<ol style="list-style-type: none"> 1. Proper engagement of the districts can ensure that the needs outside the scope of the Biyoole project can be addressed at by others in collaboration with the district authorities. It will also facilitate the activities and requirements in the field such good collaboration with the VDCs, formalizing the land documentation processes, and mitigating duplications since there could be other stakeholders with similar projects. 2. The district authority engagement process should be continuous with every subproject and activities in the district.

2.	Communities welcoming the project in the entry stage but showing true colours during the implementation	<ul style="list-style-type: none"> a) The engagement process should not be viewed as a one-time activity but rather be a continuous process. It should also be a two-way process where the community can raise their concerns from the very beginning. b) Awareness of the GM process should be explained to the community in the very entry process to prevent future surprises and rejection of the project activities. c) Biyoole 2 to include rehabilitation support for structures under Biyoole 1 and WALP investment sites in order to ensure that investments are not wasted.
3	Ownership of the project	<ul style="list-style-type: none"> a) MoUs with water user agreements need to be signed with communities to allow access (especially the water components) as a requirement for funding the project activity. b) The local government and respective line ministries should continue to be part of the operational phase of the infrastructure to ensure equitable access for all and also provide technical level maintenance support. c) Ensure awareness-raising, capacity-building training, and partnering with international firms to learn lessons and knowledge transfer.
4	Land donation verification process for illiteracy people	The PIUs should put the provision of people signing with their finger prints if signing is not possible for the participants.
5	Budget for the resettlement plans	<ul style="list-style-type: none"> a) Proper community sensitization is necessary to identify the hidden issues and plan appropriately. b) Suggestion/mitigation: Proper application for the resettlement policy framework of the Biyoole 2 project and other related policies and legislations.
6	Compliance with the ESMP	<ul style="list-style-type: none"> a) The contractor’s contract must have clauses to financially hold the contractor responsible for failing to conform to the ESMP requirements. b) The project engineer positioned at the sites should have a role in ES implementation and monitoring and compliance. Non-compliance should be identified immediately and corrected to prevent delays in payments and future issues.
7	Exclusion/Inclusion of minority groups in the project	<ul style="list-style-type: none"> a) The Biyoole 2 to allocate a quota in every FMS for locations where the minority groups settle. b) Minority groups can be engaged through making GM focal points, including VDC and raising awareness that they have equal opportunity for the project implementation.

		<ul style="list-style-type: none"> c) Separate meetings for women groups and others can be used to identify the main concerns in the community including the inclusion/exclusion issues of some groups. d) Contractors must be engaged and sensitized to collaborate with the community-based groups, ensure fair recruitment of casual laborers to provide opportunities for the minorities in the area. e) <i>Creating and providing functioning GRM systems to provide feedback and opportunities for raising their concerns.</i> f) The project teams should ensure that the minority groups can be engaged in the project opportunities such as contract awards, GRM and GBV focal points, security guards etc.
8	Timeframe for the E&S safeguard process	Based on the lessons learned from the Biyoole 1, the PIUs should start the safeguard process early on in the project implementation phase.
9	Drought situation	The Biyoole 2 to increase boreholes such as the emergency response of drought impacts.
10	Preparation of the Security Management Plans and Assessments	The FMS in collaboration with the PCU must be responsible for hiring the security firm.
11	Prevention of GBV/SEAH	<ul style="list-style-type: none"> a) Ensure that all project workers and contractors have better understanding of GBV, informed and sign CoCs. b) Effective GRM for GBV related issues, GBV-related focal points at village level to be well trained and capacitated c) Awareness and mobilization of GBV related issues-COCs to be translated into Somali and available for every one d) Train all project workers and contractors to have better understanding on COCs, GBV and SEAH plan. e) Coordination with other projects like RCRF and Marwooyin Caafimaad, that support women health issues to provide referral support for affected persons, and for awareness and prevention of GBV/SEAH in Biyoole 2. f) Management teams should ensure that the working environments are safe and conducive for female project workers.
12	Transparency of project recruitment:	<ul style="list-style-type: none"> a. The HR officers to ensure the use of the existing national and world bank policies of open and public process of contracts and recruitment processes. b. The contractors' recruitment process for the community-based workers should as well be done in collaboration with the VDCs and common interest groups at the community levels.

List of the participants

Name	Role, Organization	Email
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Non governmental organisations: Teleconference Meeting: 7th July 2022

Objective: The objectives of the teleconference was to get input and suggestions on improving the draft stakeholder engagement plan, the environmental and social management framework, and the resettlement planning framework.

Participants. Nongovernment and civil society groups, 15 participants of which 3 were women.

Participants Lists

SN	Name	Gender	Role & Institutions	Email address
1	Samsam Mohamed Samriye	Female	Women Activist	smsamriye@gmail.com
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3	Burhan Abdullahi Said	Male	Program Manager of Puntland Minority Women Development Organization	pmwd2000@gmail.com
4	Ali Abdi Adan	Male	Chairman of Puntland Disability Network	Pdon100@gmail.com
5	Hamid Faysal	Female	Medical for Fistula, KAALO	hamdiahmed@kaalo.org
6	Abdiqani Ahmed Ali	Male	Project Officer, Somali Peace Line	abdiqani@tubta.org
10	Ayan Said	Female	RCRF Project, GBV Expert	ayanita.mof@gmail.com
11	Hasan Mowliid Yasin	Male	CEO Somalia Greenpeace Association	somaligreenpeace@gmail.com
12	Mohamud Mohamed Hasan	Male	Deputy Rector for the Zamzam University of Science and Technology	mohamud@zust.edu.so
13	Mohamed Daahir Moalim	Male	Somalia Greenpeace association	mdmoalim@gmail.com

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Summary of issues and mitigation measures

SN	Issues Raised	Mitigation measures
1.	Collaboration with relevant government stakeholders and traditional institutions	<ul style="list-style-type: none"> - Immediately after the identification of potential sites, project staff should contact the local governments, village development committees, and traditional elders about the project objectives, stakeholders, roles, and responsibilities. - Community mapping, including vulnerable groups (like the orphans, women, youth, and disabled groups), should be done. - General awareness and training should be organized to sensitize the beneficiary groups and also build contacts with the relevant project staff. - Project information should be disclosed clearly, and issues and mitigation measures to be developed jointly with all stakeholders notified. - Existing community structures are sometimes not representative, making only a few people (groups) run the show, and others become passive. Support can be sought from the local governments on restructuring the VDCs to include more women/minority representation. <p>1.</p>
2.	Effective community participation in the project phases	<ul style="list-style-type: none"> - Conduct a proper assessment of community groups' conditions, capacities, gaps, what the community can do, and what kind of support they need to participate meaningfully. This process should not be rushed, not become top-down where the requirements are dictated but to be identified, and the interest of the project team should not be to finish activities. Possible community contributions such as food for workers, security services, labour, and materials, should be agreed upon and documented from the start. - Separate meetings should be conducted for different groups (i.e., religious leaders, women, traditional leaders, etc.) to share information and enable the community to understand their roles. - The project team should be trained, and understand the project, to provide correct information to the stakeholders. Low capacity of the project teams and contractors with poor understanding of the local conditions; sometimes make promises and raise community expectations. Whenever what was promised is not materialized, the community's confidence and trust are lost and result in poor participation in implementation and operation. - Feedback should be provided to the community if their needs are not in line with the project scope. - The project team should ensure that the beneficiary selection criteria are developed to prevent committees from favoring only their family and friends. - No salaries should be promised and given by the project. In this way, only real volunteers sign up for the committee positions who have the intentions of serving the community rather than persons interested in salaries.

		<ul style="list-style-type: none"> - An exit strategy should be developed with the community at the beginning of the project, so that they know their responsibilities when the project implementation phase is over. - Other projects can be used to complement when the project ends. Line ministries and local governments can do this. - Awareness should be continuous for building ownership and participation in the project. - Women and minority groups should not only take part in the consultation meetings but also should be given opportunities in the project to be included in the committees, and the labour force.
4	Land donation process and compensations	<ul style="list-style-type: none"> - Incentives or a privilege should be planned and documented for land donors to deter them from reclaiming the land. For example, donators of settlement lands for IDPs are given some houses they can rent out, to make them a beneficiary rather than losers in the project. Whatever support is going to be provided should be planned for the operational phase and be organized by the beneficiary community. - If the land is not government-owned, agreements must be signed publicly with different groups. The local government should formalize land donation documents. Also, to prevent future claims on the land, the relevant government institutions at lower levels should be present in the operational phase. <p>2.</p>
7	Exclusion/Inclusion of minority groups in the project	<ul style="list-style-type: none"> - The project should conform to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) since Somalia ratified it in 2019. Their interests and representation should be ensured/facilitated in project designs, meetings, committee participation, access and utilization of the project resources - Infrastructure designs contribute to the empowerment of persons with disabilities - Findings and recommendations of local assessments by the PMWDO on the needs and conditions of the minority groups should be reviewed to enhance their say in the design and implementation of programs. - Establishing a representative project committee (VDC subcommittees) to ensure that the interests of all are considered in the implementation and equally benefit from the project labour activities and resources. - Quotas for minorities are typically a good practice (for example, IDP support projects usually have a 30% inclusion for host communities). In this way, everyone is happy, and project committees identify the proper beneficiaries.
11	Prevention of GBV/SEAH	<ul style="list-style-type: none"> - The working environment should be conducive for women who have additional needs. - GBV/SEAH risk awareness should be continuous and understood by all, including project staff, contractors, and beneficiary communities, at all times and during project phases. - Interests of women and children as water collectors should be put into the project designs and implementation. Issues such as safe access and passage should be seriously considered. - Establish a robust grievance mechanism to capture the complaints and cases and provide the proper support to the victims. - GBV focal points should be supported to document appropriately, refer and deal with the cases.

		<ul style="list-style-type: none"> - Feedback to complainants is a must to create community confidence in utilizing the GRM systems (hotline, suggestions boxes etc.) - The signing of CoC by all, with a strong indication of the legal and liabilities involved for anyone, found guilty of GBV/SEAH/child abuse - Train all project staff on prevention as well as early identification of potential GBV/SEAH in workplaces and outside. - The FMS Ministries of Women development should select GBV focal points. The focal point should also closely work with the Ministry for information and experience sharing.
12	<p>Questions raised by the participants and responses provided by the facilitators</p>	<ol style="list-style-type: none"> 1. Will the participants review the meeting minutes before they are finalized? Yes, it can be shared by email, and they must provide quick inputs and contributions. Also, the outcome will be incorporated in the instruments to be published on the Federal Ministry of Planning and the World Bank websites. 2. Will participating institutions only participate in consultations, or will they be involved in the project implementation, especially in identifying the locations of minority groups? If the participating institutions have a presence in the project sites, they will be consulted during the engagement processes project sites. Otherwise, they can always participate on social media platforms and Ministry of Planning websites during the disclosure of specific ESMPs for project locations. 3. How can the government be held responsible if it decides to exclude certain minority groups from the project? The project will develop a robust Grievance Mechanism, which will be made public with a hotline number that can be reached. Additionally, there are different layers of the GM, starting from the community, district, FMS, FGS, and the WB. The implementation arrangements of the project are governed by terms of reference between the government and the WB, to which all parties have to conform and in which ESS7 and ESS10 are part of the project to be funded. Finally, deliberately excluding minorities may result in immediate termination of the project funding if other corrective measures are impossible.

ANNEX 2: GUIDELINE ON CODE OF CONDUCT

This Code of Conduct (CoC) is prepared as part of the Labor Management Procedures (LMP) for Biyoole 2 Project. This CoC will be signed by all contract workers recruited to deliver on any aspect of the project. The CoC will be adapted to the needs of the agency/institution. The CoC will be translated into Somali language (and as necessary) to ensure that each of the workers has clear understanding of the provisions and agrees to the terms. It will be signed by the worker, who will keep a copy, while the contractor/agency will keep the original signed document.

1. A satisfactory CoC will contain obligations on all project workers (including sub-contractors) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the ministries, the location and the project sector or to specific project requirements.
2. The CoC should be written in plain local language and signed by each worker following an orientation to indicate that they have:
 - Received a copy of the code;
 - Had the code explained to them;
 - Acknowledged that adherence to this CoC is a condition of employment; and
 - Understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.
3. The Contractor should conduct continuous awareness raising and training activities to ensure that workers abide by the CoC (such as through toolbox talks). The Contractor should also ensure that local communities are aware of the CoC and enable them to report any concerns or noncompliance.
4. The issues to be addressed include:
 - a) Compliance with applicable **laws, rules, and regulations** of the jurisdiction;
 - b) Compliance with applicable **health and safety requirements** (including wearing prescribed personal protective equipment (PPE), preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment);
 - c) The use of **illegal substances**;
 - d) **Non-Discrimination** (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction);
 - e) **Interactions with community members** (for example to convey an attitude of respect and non-discrimination);
 - f) **Sexual harassment** (for example to prohibit use of language or behaviour, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate);
 - g) **Violence or exploitation** (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour);
 - h) **Protection of children** (including prohibitions against abuse, defilement, or otherwise unacceptable behaviour with children, limiting interactions with children, and ensuring their safety in project areas);
 - i) **Sanitation** requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas);
 - j) **Avoidance of conflicts of interest** (such that benefits, contracts, or employment, or any sort of preferential treatment or favours, are not provided to any person with whom there is a financial, family, or personal connection);
 - k) **Respecting reasonable work instructions** (including regarding environmental and social norms);

- l) **Protection and proper use of property** (for example, to prohibit theft, carelessness or waste);
- m) Duty to **report violations of this Code**;
- n) **No retaliation against workers** who report violations of the Code, if that report is made in good faith.

This abbreviated CoC, which is part of the Labor Management Procedures (LMP) for the Biyoole 2 project, will be printed and placed in all facilities supported by the Project. It will be translated and shared in local languages depending on the project site.

DO:

- Treat community members and colleagues with respect regardless of gender, race, colour, language, religion, or other status.
- Report any violations of this CoC to workers' representative, HR or grievance redress committee. No employee who reports a violation of this CoC in good faith will be punished in any way.
- Maintain social distancing and follow government and WHO Covid-19 prevention guidelines at all times
- Wash hands, sanitize and observe social distancing at all times and follow WHO and FGS updated guidelines.
- Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
- Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
- Observe all security protocols to protect yourselves, your colleagues and clients from security risks;
- Comply with all national and international laws.

DON'T:

- Make unwelcome sexual advances to any person in any form.
- Have sexual interactions unless full and unequivocal consent is given and there is no form of material or other coercion.
- Use alcohol or narcotics during working hours.
- Expose other people to the risk of infection in any form.
- Leave personal protective equipment lying around.
- Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.
- Employees, associates, and representatives, including sub-contractors and suppliers, without exception.

ANNEX 3: DRAFT CODE OF CONDUCT FOR ALL PROJECT AND CONTRACTED WORKERS

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

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

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- b. Follow my employers' guidance on prevention of the spread of infectious diseases, including Covid-19;
- c. Follow my employers' guidance on security and safety, including not causing conflict or exposing myself, other colleagues, stakeholders including community members, project facilities or assets to risks;
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- e. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- f. Not participate in sexual contact or activity with children (anyone age 18 or under) – including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
- g. Not engage in any form of sexual harassment of a co-worker - for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior. E.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life etc. Sexual harassment constitutes acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal
- h. Not engage in any form of sexual exploitation or abuse – for instance, exchanging money, employment, goods or services for sex or sexual favors, or making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior. This includes any project-related assistance due to community members. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- i. I will not engage in sexual misconduct, use the project resources or funds to exploit community members.
- j. Report any suspected or actual GBV or VAC by a fellow worker, whether employed by my organization or not or any breaches of this Code of Conduct through the reporting mechanism.

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

With regard to children under the age of 18:

- i. Wherever possible, ensure that another adult is present when working in the proximity of children;
- ii. Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger;
- iii. Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornographic material through any medium (see also "Use of children's images for work-related purposes" below);
- iv. Refrain from physical punishment or discipline of children;
- v. Refrain from hiring children for domestic or other labor, which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or places them at significant risk of injury;
- vi. Comply with all relevant local legislation, including labor laws in relation to child labor;
- vii. Use of children's images for work-related purposes;
- viii. When photographing or filming a child for work-related purposes, I must:
 - i. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images;
 - ii. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used;
 - iii. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
 - iv. Ensure images are honest representations of the context and the facts; and
 - v. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

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

- i. Informal warning;
- ii. Formal warning;
- iii. Additional training;
- iv. Loss of up to one week's salary;
- v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
- vi. Termination of employment; and
- vii. Report to the police if warranted.

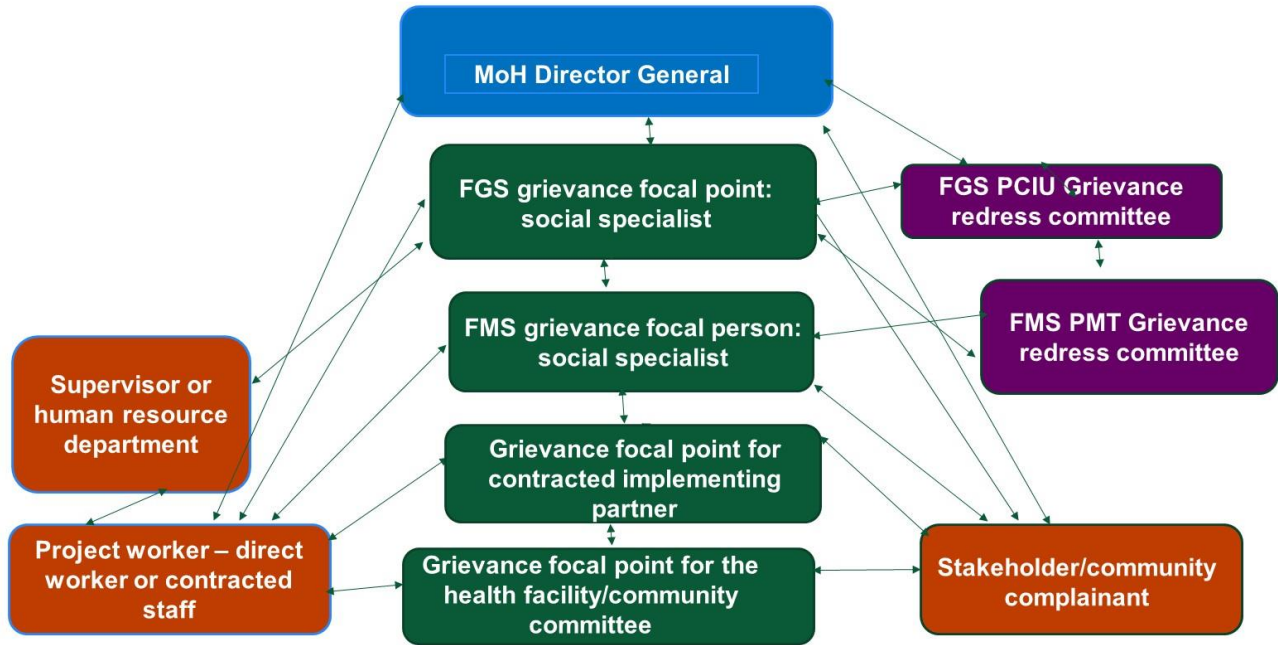
I hereby acknowledge that I have read the foregoing Individual Code of Conduct, agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond

to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to take action mandated by this Individual Code of Conduct may result in disciplinary action and may affect my on-going employment.

Signature: _____ Name _____
Title: _____ Date: _____

ANNEX 4: GRIEVANCE MECHANISM INCLUDING WORKER COMPLAINTS

PROJECT GRIEVANCE MECHANISM



ANNEX 5: COMPLAINTS FORM (to be translated into Somali)

1. Complainant's Details

Name (Dr / Mr / Mrs / Ms)

ID Number _____

Postal address _____

Mobile _____

Email _____

County _____

Age (in years): _____

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

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

Yes No

If yes, which one?

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

YES NO

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

7. What action would you want to be taken?

Signature _____

Date _____

ANNEX 6: COMPLAINTS LOG

Date and complaint from	Complaint e.g. non-issuance of Payment for work done	Staff/ institution complained against	Nature of complaint/ service issue, e.g. delay	Type of cause – physical human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)	Remedy granted	Corrective/ preventive action to be taken	Feedback given to complainant

ANNEX 7: COMPLAINTS REPORTING TEMPLATE

Reporting period:

No. of complaints received	Main mode complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g. spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system improvement

Note that this form could be replaced by a version using GIS tools e.g. Kobotoolbox.