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**MINISTRY OF TRANSPORT OF THE REPUBLIC OF TAJIKISTAN**

**COMMITTEE FOR EMERGENCY SITUATIONS AND CIVIL DEFENSE UNDER  
THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN**

**TAJIKISTAN PREPAREDNESS AND RESILIENCE  
TO DISASTERS PROJECT  
(P177779)**

**LABOR MANAGEMENT PROCEDURES  
(LMP)**

**March 2023**



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## **ABBREVIATIONS**

E&S	- Environmental and social issues
EHS	- Environmental, health and safety issues
ESCP	- Environmental and Social Commitment Plan
ESF	- Environmental and Social Framework
ESMF	- Environmental and Social Management Framework
ESMP	- Environment and Social Management Plan
ESS	- World Bank environmental and social standards
GBV	- Gender-based violence
GOT	- Government of Tajikistan
GRM	- Grievance redress mechanism
GFP	- Grievance focal point
GRS	- Grievance Redress Service (WB)
IA	- Implementing agencies
LMP	- Labor management procedures
IGEEES	- Institute of Geology, Earthquake Engineering and Seismology
M&E	- Monitoring and evaluation
MoF RT	- Ministry of Finance of the Republic of Tajikistan
MOLEM	- Ministry of Labor, Labor and Employment Migration of the Republic of Tajikistan
NGO	- Non-governmental organisation
OHS	- Occupational health and safety
TDPRP	- Tajikistan Disaster Preparedness and Resilience Project
PIU	- Project implementation unit
R&D	- Research and development activities
SEA/SH	- Sexual exploitation and abuse/sexual harassment
WB	- World Bank
SEP	- Stakeholder engagement plan
RFD	- Resettlement framework document
CES & CD	- Committee for Emergency Situations and Civil Defense under the Government of Tajikistan
CCER	- Contingency component on emergency response
PIU	- Project Implementation Unit
MoT	- Ministry of Transport

## EXECUTIVE SUMMARY

This Environmental and Social Management Framework (ESMF) has been prepared for the Tajikistan Preparedness and Resilience to Disasters Project, which will be implemented by the Ministry of Finance of the Republic of Tajikistan (MoF), Ministry of Transport of the Republic of Tajikistan (MoT) and Committee of Emergency Situations and Civil Defense of the Republic of Tajikistan (CoESD). The project will be funded by the International Development Association (IDA). ***Project Development Objective is*** (a) to support disaster recovery, strengthen the resilience of critical roads, and enhance disaster risk management capacity; and (b) in the case of an Eligible Crisis or Emergency, respond promptly and effectively to it.

### **Project components:**

**Component 1: Building Road Resilience.** This component will finance designs and capital works for selected segments of the primary road network to increase its resilience to natural hazards and climate change. Capital works will include reconstruction and repair of roads damaged during the May-July 2021 floods and mudflows, and reinforcement of prioritized road segments against floods, mudflows, landslides, rock falls, erosion, avalanches and earthquakes. A national prefeasibility, site-specific hazard assessment study has been prepared<sup>1</sup>, which, apart from providing historical climatic and hazard-specific data, will ensure that projected climate change impacts are considered in the development of the hazard scenarios that will inform the designs for resilient roads. The focus of the component will be resilience and protection against climate-related risks, while works will also be pursued in a seismically resilient manner. Weather resistant paving and construction materials will be utilized, slope stabilization pursued to protect against climate risks, and resurfacing and retrofitting will utilize climate resilient materials.

Sub-component 1.1: Rehabilitation of roads damaged by the 2021.

Sub-component 1.2: Protection and reinforcement of priority roads.

**Component 2: Strengthening Disaster Risk Management Capacity.** This component is intended to strengthen the country's technical and institutional capacity for DRM and climate change resilience and adaptation through selected activities that focus on disaster risk identification, disaster preparedness, and financial protection against disasters. Activities aim to address capacity gaps exposed during the May-July 2021 floods and mudflows and identified as priorities under the national climate change adaptation and DRM strategies. It will build on activities completed and ongoing under SCINHP, in particular expanding and connecting capacities developed at national level to sub-national levels. The activities within this component will aim to strengthen the capacity of the CoESCD, as the main coordinating agency for crisis management and DRM, to prepare and respond better to disasters, climate shocks and emergencies; of the IGEES to understand better the seismic risks of select critical infrastructure; and of the MoF to operationalize its financial response to disasters by designing and establishing ex-ante financial instruments. This component will be implemented in coordination with ADB, UNDP and other development partners, which has been continuously strengthening the capacities of the CoESCD at the national and regional levels, while building regional mechanisms for DRM and mainstreaming disaster risk reduction (DRR) into state policy at the national and subnational levels.

Sub-component 2.1: Strengthening Regional Crisis Management Centers and Systems.

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<sup>1</sup> World Bank & GFDRR (2021). *Assessment of Economic Impacts from Disasters Along Key Corridors – Final Report*.

Sub-component 2.2: Modernizing Disaster Communication and Information Systems.

Sub-component 2.3: Capacity building for emergency response.

Sub-component 2.4: Strengthening the basis for structural and seismic resilience.

Sub-component 2.5: Disaster risk financing. Recognizing shortcomings in how fiscal risks associated with disasters were managed in Tajikistan, including gaps in comprehensive information on and evaluation of fiscal risks of disasters, climate and other shocks, SCINHP supported development of a National Disaster Risk Financing Strategy.

Component 3. Project management. This component will support the incremental operational costs of the Implementing Agencies (IAs) - MoF, CES & CD and MoT - in project implementation, including general project administration and management, sub-project prioritisation, environmental and social management, financial management, procurement, contract administration, project reporting, monitoring and evaluation (M&E).

Component 4. Contingent emergency response component. The purpose of this component is to improve Tajikistan's capacity to respond to climate shocks, natural disasters and other legitimate crisis situations. An emergency eligible for funding is an event that has resulted or is likely to result directly in a significant adverse economic and/or social impact on the Borrower due to a disaster. Quick payments will allow the GoT to request reallocation of project funds to cover some of the costs associated with emergency response and recovery. This component may be used for reallocating the project funds or directing additional resources to fully or partially replenish the funds received through reallocations to CCER, should such additional resources be made available in connection with an eligible emergency.

#### **Number and types of project employees.**

The number of project staff to be involved in the Project is 41, They are based on the current staffing of the MoF PIU, MoT PIU and CoES &CD PIU (**Tajikistan Disaster Preparedness and Resilience Project**) in Dushanbe and in the potential regions to be covered by the Project.

Direct employees. The total number of PIU staff involved in this Project is estimated at around 18, including a national office in Dushanbe and three regional offices in Khatlon, Sughd and GBAO. Key PIU MoF staff funded under Component 4 include, but are not limited to: Project Director, Deputy Director, Accountant (4), Project Coordinators, Engineer, Procurement Specialists (2), M&E Specialist, Environmental Specialist, Social Development Specialist, Interpreter/Translator, and Regional Representatives (including Environmental and Social Liaison Officers).

Contract workers. The exact number of contracted project workers is not known at the moment. This will be known during the implementation phase of the Project. Contract workers will include:

- Technical assistance consultants will be hired for studies and capacity building tasks. Estimated number of consultants to be hired - (to be specified).
- Contractors and construction workers. Construction works are envisaged under Components 1, 2 and 4 of the Project. Component 2 is tasked with strengthening the country's technical and institutional capacity in YPB, climate change resilience and adaptation through selected activities focusing on disaster risk identification, disaster preparedness and financial protection against disasters. The estimated manpower for Component 2 is about 200 people. Component 3: This component can be used to reallocate project funds or direct additional resources to supplement all or part of the reallocated funds in the RCCM, if such additional resources are made available due to an

eligible emergency. Proposed manpower for Component 4 - (to be clarified after the component enters into force)

In total, about 450 workers may be involved in the project's construction work.

**Potential Employment Risks.** The following components might have potential employment risks Sub-component 1.1. Rehabilitation of roads affected by floods in 2021, Protection and strengthening of priority highways, Strengthening of regional crisis management centers and systems and Modernization of information and communication systems in risk management.

*Occupational health and safety risks (OHS)* moderate and will depend on the type of subproject work being carried out. It is estimated that the main occupational health and safety risks will relate to the health and safety risks associated with the construction and reconstruction of bridges, embankments and roads, such as exposure to physical, chemical and biological hazards during construction work, use of heavy equipment, tripping and falling hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical current from tools and equipment. As construction work will involve hazardous work, persons under the age of 18 will not be involved in construction work. Risks are considered to be moderate as local contractors are likely to be unskilled. Many workers will be exposed to health and safety hazards, including but not limited to:

- Electrical engineering works
- Exposure to chemicals (paints, solvents, lubricants and fuels, pesticides, chemical fertilizers)
- Road accidents
- Hazards in the construction of mudflow protection
- Lifting heavy structures
- Exposure to airborne building substances (dust, silica and asbestos)
- Ergonomic hazards in construction
- Welding hazards (vapors, burns and radiation)
- The dangers of steel assembly and so on.

*The risk of child labor/forced labor* is rated moderate because this will be monitored by the EA and governed by the national laws and regulations, and the provisions of the World Bank's environmental and social standards. Article 8 of the Labor Code of the Republic of Tajikistan prohibits the use of forced labor and Article 4 “Principles of Labor Legislation of the Republic of Tajikistan” prohibits discrimination, forced labor and the use of female labor and the labor of minors in heavy, underground and at work with harmful working conditions. Moreover, according to the Tajik Labor Code, the persons between 14 and 16 years old may also be employed with reduced working hours, for employment that is not considered heavy or hazardous, and with parental permission and outside the school hours. For civil works no child labor is allowed. The PIU will supervise the contracts and the Contractors will be required in the contract to commit against the use of child/ forced labor, and PIU staff in charge of contractor supervision will monitor and report the absence of child/ forced labor.

*Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH)* risk is rated moderate due to national legislation exist, gender norms of rural residents, based on respect for local rules and traditions and mainly construction and rehabilitation works civil works will be implemented in the vicinity of health facilities or fenced territories. However, the contractors will be contractually obligated to include provisions against the use of any violence, and the Code of Conduct (COC) to be signed by project workers should clearly state that the contractor and its staff must respect and observe local customs and traditions, respect local women, women involved in rehabilitation activities of the Project and their

privacy. EAs/PIUs staff, contractor oversight engineers, social and environmental specialists and monitoring and evaluation specialists will monitor and report on the presence or absence of violation cases

*Labor risks related to contractors at subproject level.* The subprojects will be implemented by local contractors and the majority of contracted workers will be local residents, except for a few skilled workers. All contractors will be required to have a written contract with their workers, materially consistent with the objective of ESS 2, in particular on child and forced labor.

*The main negative health and safety impacts are associated with:* (i) risks during construction work (noise, risk of injury), (ii) transmission of infectious diseases; and (iii) road safety and electrical appliance issues. In addition, there possible risks of social insecurity in employment without formal contractual obligations and restrictions on the remuneration of rural workers hired by the contractors, including women. However, the risks associated with the contractual relationship and remuneration between the contractor and the employee will be negligible because the subprojects will be implemented mainly by local contractors and most of the contracted workers will be from local vicinity with written labor contracts signed.

*Employment risks.* Workers will be employed by MoF PIU/MoT PIU /CES & CD PIU either directly as employees or indirectly through contracts with NGOs or service providers. Experience from an earlier World Bank funded project shows that construction subcontractors practice employment contracts and official payrolls for their workers, as they are obliged to comply with all legal and regulatory labor and accounting procedures under the loans/grants provided by the Government of Tajikistan. There is a risk that the current practice of unrecorded working hours and lack of compensation for overtime will continue. According to management, MoF PIU/ MoT PIU / CES & CD PIU relies on donor-funded projects and approves budgets for each project and cannot exceed budget ceilings. MoF PIU/ MoT PIU / CES & CD PIU will keep track of staff working hours by filling in timesheets and limiting overtime hours.

**Age of employment.** Legislation of the Republic of Tajikistan prohibits persons under 18 years of age from performing "work with harmful and difficult working conditions", i.e. to carry out construction and installation works and there are special requirements for leave, working hours, and other conditions of employment. PIU will ensure that construction workers under the age of 18 are not hired unless they have been hired for office work. Under local law, workers between the ages of 15 and 18 may be hired to work in the office with reduced hours (after-hours with the permission of the custodian). It is expected that people to be hired within the project will be over 18.

Contractors will be required to verify the identity and age of all workers. This will require workers to provide official documentation, which may include a birth certificate, national ID card, passport, or medical or school card. If a child under the minimum age limit is found to be working on the Project, steps will be taken to immediately terminate the child's employment or employment in accordance with the principles of accountability, taking into account the best interests of the child.

### **Grievance Redress Mechanism (GRM).**

Project-specific GRM is structured on two levels: local/contractor and national/PIU.

**Local level:** Contractors will install and maintain GRM for their employees in accordance with this LMP. The Contractor will designate a Grievance Focal Point (GFP) for complaints and appeals. If the problem cannot be resolved at the contractor level within 15 days, it will be escalated to the national level at the PMU.

**National level:** Grievance Review Group (GRG), chaired by the MoF PIU / MoT PIU / CES & CD

PIU director and including representatives from the MOLEM Labor Inspectorate, relevant government agencies, and the national employers' association. The PIU Social Development Specialist will serve as the Team Secretary and National Focal Point (GFP) for complaints and grievances received directly or referred by contractors. He/she will be responsible for summarizing the number and types of all complaints and issues received from project staff from the target regions.

The time limit for resolving a complaint at the national level will be 15 days from receipt of the complaint which does not require further study and research, and 30 days for complaints which require further study. The complainant will be informed of the result immediately and at the latest within 5 days of the decision.

*Mechanism of appeals.* If the complaint is still not resolved to the complainant's satisfaction, he/she may submit his/her complaint to the appropriate court.



# 1. INTRODUCTION

## 1.1 Project Background

1. The Republic of Tajikistan (hereinafter called the "Recipient") will implement Tajikistan's Disaster Preparedness And Resilience Project (hereinafter called the "Project") with participation of Ministry of Finance (MoF RT), Committee of Emergency Situations and Civil Defense (CoES&CD) and Ministry of Transport (MoT). The International Development Association (hereinafter called the "Association") has agreed to provide funding for the implementation of the Project.
2. The Recipient undertakes to take substantial measures and actions for the purposes of the Project in accordance with environmental and social standards (ESS).
3. The World Bank's Social and Environmental Policy for Investment and Project Finance sets out the requirements for the Borrower to identify and assess the social and environmental risks and impacts associated with projects. In accordance with the Bank's social and environmental assessment, the social and environmental risk indicators are moderate. These risks cover socio-environmental standards SES 1, SES 2, SES 3, SES 4, SES 5, SES 6 and SES 10.
4. **Feasibility of the proposed project. Tajikistan Disaster Preparedness and Resilience Project** responds to urgent needs through more sustainable reconstruction of roads affected by floods and mudslides in May-July 2021. The capacity of the Committee of Emergency Situations and Civil Defence (CES & CD), the central government agency responsible for managing man-made and natural emergencies and disasters, needs to be strengthened to enable the country to effectively plan and implement integrated SRM in response to the increasing disaster risks posed by climate change. Although CES & CD provides national coordination for YPB on a national level, its focus remains on disaster response, but its technical, financial and human resources are under overload; it has established Search and Rescue Squads (SRS) in Dushanbe and regional centres, including Khatlon and Sughd, but they have limited capacity and equipment.
5. The World Bank-funded "Strengthening Critical Infrastructure for Resilience to Natural Hazards" Project ("SCIRNH") is rehabilitating roads and bridges in GBAO and Khatlon province, constructing buildings for the CoES with modern disaster management equipment in Bokhtar, Khorog and Khujand. Other projects of the World Bank and development partners, mainly in water and agriculture, also contribute to risk reduction in terms of increasing the sustainability of income sources and infrastructure.
6. Under this Project, it is envisaged that the project will continue efforts to build the foundations for the GoT's long-term climate and disaster resilience programme initiated under the SCIRNH Project, and the project builds on the high need for continued support in the overall area of YPB, climate change adaptation, reconstruction of critical infrastructure in the country and resilience to natural hazards. Infrastructure resilience will continue to be improved by strengthening and protecting critical road segments, thus contributing to disaster risk reduction and better adaptation to climate change and avoiding potential damage in the long term perspective. The project will also enhance GoT's sub-national YPB capacity to mitigate increasing disaster risks across the country, especially climate-related hazards such as floods, mudflows, rockfalls, avalanches, and landslides, as well as earthquakes.
7. The proposed project coordinates well with the Country Partnership Framework Strategy (CPF) for the financial years 2019-2023, in particular the third objective, i.e. increasing the resilience of local community residents, the first thematic area of the CPF. This CPF goal includes the implementation of SRM to increase resilience to climate and environmental challenges, which is integral to

supporting livelihoods and social well-being. The CPF also identifies road infrastructure as an urgent priority, partly because the existing road network is poorly maintained, its quality has deteriorated to a large extent and at the same time it is prone to natural hazards.

## 1.2 Project components

8. Component 1: Building Road Resilience. This component will finance designs and capital works for selected segments of the primary road network to increase its resilience to natural hazards and climate change. Capital works will include reconstruction and repair of roads damaged during the May-July 2021 floods and mudflows, and reinforcement of prioritized road segments against floods, mudflows, landslides, rock falls, erosion, avalanches and earthquakes. A national prefeasibility, site-specific hazard assessment study has been prepared<sup>2</sup>, which, apart from providing historical climatic and hazard-specific data, will ensure that projected climate change impacts are considered in the development of the hazard scenarios that will inform the designs for resilient roads. The focus of the component will be resilience and protection against climate-related risks, while works will also be pursued in a seismically resilient manner. Weather resistant paving and construction materials will be utilized, slope stabilization pursued to protect against climate risks, and resurfacing and retrofitting will utilize climate resilient materials.
9. Sub-component 1.1: Rehabilitation of roads damaged by the 2021. The GoRT estimated that some 165 km of roads were damaged during the May-July 2021 floods and mudflows. The project will finance the rehabilitation of priority roads (as specified in the POM) and associated infrastructure damaged by the 2021 floods. Climate-resilient rehabilitation and reconstruction of roads and bridges damaged during the 2021 floods and mudflows will be pursued in Vakhsh, Vose, Shasiddin Shohin and Muminobod Districts in the Khatlon region, re-establishing more resilient regional and local connectivity. Rehabilitation will follow a build-back-better approach to enhance adaptation to climate change and associated road resilience to minimize future risks from similar hazards, including for several bridges. Climate- and seismic-resilient rehabilitation designs will be developed and implemented for the following road segments and bridges:
  - a. Damaged sections of the Muminobod-Ghesh-Childukhtaron, Muminobod-Momandiyon and Vakhsh-Dangara roads.
  - b. Two bridges on the Dushanbe-Kulma road (km 158 and 165), including any required slope stabilization and protection.
  - c. One bridge each on the following roads: Tugarak-Qurbonov M village-Faizovi R village (km 0.5), Shobhika-Navobod (km 4.5), Tugarak-Sarichashma-Sh. Shohin (km 21) and Vakhsh-Isoev-Guliston, including any required slope stabilization and protection.
10. The above activities will be implemented by the MoT PIG.
11. Sub-component 1.2: Protection and reinforcement of priority roads. The project will finance the reinforcement and protection of one or more segments of priority roads at significant risk of natural hazards posed by climate change, including reconstruction, repair and new installation of measures. The selected road segments will align with those identified as priorities under SCINHP's Economic Impacts of Disasters along Key Transport Corridors<sup>3</sup> assessment. This will include rehabilitation of two critical bridges on the Dushanbe-Rudaki road in the Rudaki District (RRS), as well reinforcement and protection of high-risk locations primarily between Labidjar and Karamik in the corridor connecting Dushanbe with the Kyrgyz Republic through the Rasht Valley (including

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<sup>2</sup> World Bank & GFDRR (2021). *Assessment of Economic Impacts from Disasters Along Key Corridors – Final Report*.

<sup>3</sup> <https://www.worldbank.org/en/country/tajikistan/publication/tajikistan-the-economic-impacts-of-disasters-along-key-transport-corridors>

Roghun, Rasht, Tojikobod and Lakhsh Districts, RRS), thereby supporting international trade. Sub-component 1.2 may also support reinforcement of roads in the districts supported under Sub-component 1.1. Capital works will include climate change-resilient reconstruction, repair and new installations of measures including but not limited to avalanche galleries, snow barriers, retaining walls, flexible rockfall barriers, rockfall drapes, debris flow barriers, larger culverts, strengthened bridges, road realignments, replacement of soft/swamp material, roadbed raising, and surface water drains.

12. The objective will be to increase the disaster and climate change resilience of the selected road segment(s) in a holistic manner, starting with a detailed risk assessment and through to climate-resilient design and implementation of a cost-effective and sustainable set of measures. Training and capacity building will be financed to enhance the MoT's, as well as its regional and local road maintenance departments' abilities to design, implement and maintain structural and non-structural resilience measures, in particular for technologies new to Tajikistan that are often located a significant distance upslope from the road being protected (such as high strength debris and avalanches fences). This sub-component also includes procurement of heavy specialized machinery for MoT to prepare for emergency response and maintenance of its infrastructure assets. The technical specifications for procurement of such machinery will be prepared with due attention to climate change mitigation factors and promotion of appropriate technological solutions.
13. Climate- and seismic-resilient structural and protection designs will be developed and implemented for the following road segments:
  - a. Two major bridges on the Dushanbe-Rudaki road crossing the Kafarnigan River at km 9.800 and crossing the Elok River at km 11.000, including any required slope stabilization and protection.
  - b. Informed by the recent World Bank assessment<sup>4</sup>, detailed feasibility and design studies for climate- and seismic-resilient road upgrading and protection for the Labidjar-Karamik international road. The focus will be protection and resilience to climate-related risks including measures directly on the road (culverts, drainage, etc.), measures stabilizing slopes and riverbanks immediately adjacent to the road, and further removed measures to reduce hazards reaching the road (avalanche, mudflow and rock fall netting, fences and barriers). While targeting the reduction of climate risks, these will be designed and built seismically resistant. Following this detailed assessment, the priority measures will be selected and implemented based on the current project budget. Any remaining measures can be considered for future implementation if relevant and appropriate additional financing is mobilized for the project.
  - c. Detailed feasibility and design studies for full rehabilitation and improvement of the "Khatlon" tunnel in Norak City, as well as for a priority bridge site connecting Ayni to the rest of the country, including any required slope stabilization and protection. Future implementation of these designs would only be considered if relevant and appropriate additional financing is mobilized for the project.
14. The above activities will be implemented by the MoT PIG.
15. Component 2: Strengthening Disaster Risk Management Capacity. This component is intended to strengthen the country's technical and institutional capacity for DRM and climate change resilience and adaptation through selected activities that focus on disaster risk identification, disaster preparedness, and financial protection against disasters. Activities aim to address capacity gaps exposed during the May-July 2021 floods and mudflows and identified as priorities under the

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<sup>4</sup> World Bank & GFDRR (2021). *Assessment of Economic Impacts from Disasters Along Key Corridors – Final Report*.

national climate change adaptation and DRM strategies. It will build on activities completed and ongoing under SCINHP, in particular expanding and connecting capacities developed at national level to sub-national levels. The activities within this component will aim to strengthen the capacity of the CoESCD, as the main coordinating agency for crisis management and DRM, to prepare and respond better to disasters, climate shocks and emergencies; of the IGEES to understand better the seismic risks of select critical infrastructure; and of the MoF to operationalize its financial response to disasters by designing and establishing ex-ante financial instruments. This component will be implemented in coordination with ADB, UNDP and other development partners, which has been continuously strengthening the capacities of the CoESCD at the national and regional levels, while building regional mechanisms for DRM and mainstreaming disaster risk reduction (DRR) into state policy at the national and subnational levels.

16. Sub-component 2.1: Strengthening Regional Crisis Management Centers and Systems. While SCINHP establishes a NCMC and installs relevant ICT systems for national-level disaster preparedness and response coordination, the CoESCD has identified similar capacity strengthening at the sub-national level as the key priority, in particular in three regional centers. This decentralization of capacity will help to better monitor hazards (particularly weather-related hazards exacerbated by climate change), improve interagency coordination, establish good international practices on decision-making models, issue timely early warnings and add redundancy to the system, and reduce the overall emergency response time. Relevant capacity building, encompassing operation and maintenance plans for the improved country-wide crisis management system, will also be produced to ensure the sustainability of the investments under this project.

17. The project will finance:

- a. necessary works to build or renovate facilities to host the regional crisis management centers (RCMCs) in Khujand, Khorog and Bokhtar, with all designs and civil works executed with risk-informed climate- and natural-hazard resilient designs, energy efficiency solutions and technologies, and climate-resilient materials and technical solutions;
- b. purchasing of required energy efficient information and communication technology equipment to be installed within the RCMCs, including equipment for dispatching early warnings, automated emergency call receiving system and dispatch services, disaster management information system, and robust crisis communications, integrated with the systems being installed in the NCMC under SCINHP;
- c. purchasing of additional energy efficient mobile command and communication vehicles for the improved crisis management systems at the regional/local levels, as needed, to perform as RCMCs;
- d. consultancy services for expanding the national operations manual for RCMCs, promoting climate-resilient actions and energy efficient management; and
- e. capacity building for relevant staff and operators of the RCMC and users of mobile command and communication vehicles, as needed.

18. The above activities will be implemented by the MoF PIU.

19. Sub-component 2.2: Modernizing Disaster Communication and Information Systems. During the past few years Tajikistan, with the help of multiple development partners, has started establishing more robust and modern disaster communication and information systems. For example, it is understood that UNDP has invested in fiber optic connectivity between CoESCD and key agencies that produce real-time hazard forecasts and warnings, such as Tajikhydromet. Tajikhydromet has also been supported by the World Bank, ADB and WFP to improve its disaster

information services. Early warning systems for specific hazards have also been established and/or modernized, for example for a potential outbreak flood from Lake Sarez, supported by the ADB.

20. Regarding risk information and geospatial data infrastructure, a national geoportal has been established<sup>5</sup> with support from GIZ, a district-level multi-hazard risk assessment has been developed with UNDP support but is hosted outside the country with limited accessibility<sup>6</sup>, and the AKAH has set up a geoportal at the IGEES<sup>7</sup>. Currently the World Bank Strengthening Financial Resilience and Accelerating Risk Reduction in Central Asia Program (SFRARR<sup>8</sup>) is also performing probabilistic earthquake and risk assessments for the whole country, to be completed in 2022. Countless other sub-national and local hazard and risk assessments have been produced by ministries, agencies, NGOs and development partners; however, most are not accessible to all relevant stakeholders, tend not to be updated, and are not catalogued in a centralized, authoritative and searchable database.
21. The project will therefore strengthen, expand and increase the robustness of the country's disaster communications backbone, support platforms and tools to increase sharing, access and dissemination of disaster-related information, and better utilize real-time data sources. It will prioritize avoiding development of new platforms, rather building, consolidating and/or expanding existing ICT systems and platforms. This will include supporting last-mile reach of early warning systems and messaging.
22. The project will finance:
  - a. enhancing existing radio communication networks across the country and setting up new radio communication networks (VHF and HF/SSB) at least in large cities and population centers;
  - b. enhancing other ICT networks like microwave, satellite, fiber optics, etc.;
  - c. enhancing/developing umbrella disaster management software integrated for current/future early warning systems and current emergency management software platforms;
  - d. enhancing/developing an interagency platform for data exchange to facilitate real-time data sharing between disaster monitoring, forecasting and management agencies (CoESCD, Tajikhydromet, etc.);
  - e. supporting policy development, facilitating and populating a geo-node/website to facilitate consolidated access to existing and new disaster-related geospatial data and information;
  - f. developing dissemination channels (website, SMS services, smartphone app, etc.) to facilitate real-time public access to forecasts and warnings of climate and weather hazards; and
  - g. supporting Tajikhydromet access and use of real-time products from the new CoESCD weather radar in Hissar, including support in rehabilitation and improvement of classroom buildings at the existing territory of Hissar weather radar.
23. The above activities will be implemented by the CoESCD Project Implementation Group (PIG).
24. Sub-component 2.3: Capacity building for emergency response. While sub-component 2.1 will continue to strengthen coordination, operations and management of the CoESCD leadership, full readiness-to-response and preparedness requires both first responders and the public to know

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<sup>5</sup> The National Spatial Data Infrastructure of the RoT is hosted and maintained by the Design and Research Institute "FAZO": <https://nsdi.tj/>

<sup>6</sup> Hosted by the Asian Institute of Technology in Thailand: <http://tajirisk.ait.ac.th/>

<sup>7</sup> It was originally planned that while the IGEES geonode-based geoportal would not be open access, but the CoESCD and Tajikhydromet were to have access. It is not clear if this access has been facilitated or is still planned.

<sup>8</sup> SFRARR is financed by the EU, is managed by GFDRR and is being implemented in collaboration with UNDRR and the Center for Emergency Situations and Disaster Risk Reduction (CESDRR, Almaty, Kazakhstan).

how to interpret warning information, how to react when warnings are received, and how to respond when disasters and climate shocks are imminent or have occurred. In coordination with other partners supporting preparedness capacity building and training (UNDP<sup>9</sup>, OSCE, EU, etc.), the project will help expand readiness-to-respond capacities to more localized and specially skilled first responders.

25. The project will finance:

- a. Procurement of INSARAG<sup>10</sup>, IRATA<sup>11</sup> and other international community certification trainings for professional search and rescue (SAR) teams (water rescue, urban rescue, flood/running water rescue, mountain rescue, K-9, open field(nature) rescue, etc.);
- b. Public trainings for disaster preparedness including improved awareness about climate change and associated risks to increased likelihoods of disasters, and climate change adaptation and mitigation measures which could be pursued at the level of households, public institutions, etc.;
- c. Preparation of disaster preparedness and climate adaptation modules for different stakeholders (public agencies, vulnerable citizens, industrial zones, SMEs, health workers, etc.). This may also include preparation of disaster preparedness plans for schools.;
- d. Construction, provision of equipment and capacity building for a water rescue training center and a canine (K-9) center at the existing rescuer training center in Karatag, with all designs and civil works executed with risk-informed climate- and natural-hazard resilient designs, energy efficiency solutions and technologies, and climate-resilient materials and technical solutions. The majority of the sub-component budget will be committed to this activity; and
- e. Reinforcement/additional capacity for the existing emergency response training center in Karatag (built under EU-OSCE project), including through procurement of search and rescue, training, and medical equipment, trainings simulators and modules, specialized vehicles/machinery, as well as rehabilitation or repair of facilities on the territory of the Karatag training center.

26. The above activities will be implemented by the CoESCD Project Implementation Group (PIG).

27. Sub-component 2.4: Strengthening the basis for structural and seismic resilience. SINCHP delivered a national seismic hazard assessment and developed new seismic hazard maps of the territory of Dushanbe, measured both in grades of seismic intensity and in units of peak ground acceleration, based on the latest achievements of seismological science and technology. IGEES is now pursuing similar seismic microzoning in other major cities in Tajikistan. The project will leverage the products and capacities built at the IGEES to move from hazard to risk assessments, while continuing to strengthen the integration of structural and seismic risk considerations in construction standards and practices, including energy efficiency considerations.

28. The project will finance:

- a. Establishment of a seismic response monitoring system for priority and representative structures and natural ground locations in Dushanbe, with potential to include equipment for on-site examination of such structures and buildings;
- b. Continued updating of building standards;

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<sup>9</sup> The current UNDP support to “Strengthening Disaster Risk Management and Emergency Preparedness Capacities” is planned to close end of December 2021.

<sup>10</sup> International Search and Rescue Advisory Group, a global network of more than 90 countries and organizations under the umbrella of the United Nations.

<sup>11</sup> Industrial Rope Access Trade Association, which supports a qualification scheme for rope access and technical rescue.

- c. Training and workshops in the application of updated building codes and standards, including energy efficiency considerations to mitigate the impact of the climate change; and
  - d. Building monitoring and enforcement capacities of IGEES.
29. The above activities will be implemented by the MoF PIU, with technical inputs and supervision from the IGEES. The CoAC will also need to be engaged in the last three activities.
30. Sub-component 2.5: Disaster risk financing. Recognizing shortcomings in how fiscal risks associated with disasters were managed in Tajikistan, including gaps in comprehensive information on and evaluation of fiscal risks of disasters, climate and other shocks, SCINHP supported development of a National Disaster Risk Financing Strategy. The Strategy outlines ways for Tajikistan to mitigate the fiscal shocks caused by disasters, identifying a set of important priorities, including the development of several risk financing solutions. Approval of the Strategy by the GoRT will likely be a prior action for the World Bank's Tajikistan Inclusive and Sustainable Growth Development Policy Operation (DPO) and is expected in 2022.
31. To support implementation of the Strategy, the World Bank is currently performing a preliminary analysis to identify a cost-effective risk layering approach to financing post-disaster needs<sup>12</sup>. This includes: (i) statistical modeling of the magnitude of disaster risks based on historical data; (ii) scenario analysis for major disaster events; (iii) assessment of a funding gap that the government could face in covering its post-disaster contingent liabilities under the selected scenarios; and (iv) analysis of a potential combination of different risk financing solutions to cover the identified gap. The project will pursue refinement and implementation of priority risk layering mechanisms identified by the assessment as part of operationalization of the Strategy.
32. The project will finance:
- a. Consulting services to assess the requirements, fiscal realities, needed legislation and regulations, and subsequently design priority mechanisms to enable establishment and functioning of disaster risk financing instruments; and
  - b. Technical capacity-building activities of the relevant MoF and other involved government entities will also be financed.
33. The potential disaster risk financing mechanisms will help the GoRT ensure sufficient liquidity to respond and recover from climate change and natural hazard shocks. This activity will be implemented by the MoF PIU, with technical inputs and supervision from the relevant departments within the MoF.
34. Component 3. Project management. This component will support the incremental operational costs of the Implementing Agencies (IAs) - MoF, CES & CD and MoT - in project implementation, including general project administration and management, sub-project prioritisation, environmental and social management, financial management, procurement, contract administration, project reporting, monitoring and evaluation (M&E).
35. Component 4. Contingent emergency response component. The purpose of this component is to improve Tajikistan's capacity to respond to climate shocks, natural disasters and other legitimate crisis situations. An emergency eligible for funding is an event that has resulted or is likely to result directly in a significant adverse economic and/or social impact on the Borrower due to a disaster. Quick payments will allow the GoT to request reallocation of project funds to cover some of the costs associated with emergency response and recovery. This component may be used for

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<sup>12</sup> The analysis is supported by the Japan-World Bank Program for Mainstreaming DRM in Developing Countries, which is financed by the Government of Japan and managed by GFDRR.



reallocating the project funds or directing additional resources to fully or partially replenish the funds received through reallocations to CCER, should such additional resources be made available in connection with an eligible emergency.

### 1.3 Project Implementation Agency

36. **Implementing agencies (IAs).** Three IAs will be involved in the project, namely MoF, MoT and CES & CD. The MoF PIU will lead the overall supervision and coordination of project implementation, consolidation of financial management, monitoring and reporting. The MoF PIU will also implement Subcomponents 2.1, 2.4 and 2.5 Contingency component on emergency response (RCCM) construction, seismic risk assessment and disaster risk financing) and Component 4 Contingency component on emergency response (RCCM) with technical inputs and oversight from relevant entities such as CES & CD, IGEES, and relevant MoF offices. Sub-components 2.2-2.3 (strengthening disaster preparedness) will be implemented by PIU CES & CD. Component 1 (sustainability of roads) will be implemented by the MoT's PIU. Both CES & CD and MoT will be responsible for procurement, financial management, technical inputs and supervision, aspects related to socio-environmental principles (SEPs) in their respective activities. The Ministry of Finance of the Republic of Tajikistan (MoF), funded by the World Bank, would be the implementing agency for the proposed project.
37. The social risk rating is moderate because of the inherent fragility and conflict that can affect the project's efforts to reach and work, especially with the poor and vulnerable. This is exacerbated by weak integration and participation of young people (and women) in institutions, as well as limited employment prospects. Consequently, the risk of exclusion becomes high. As this project is being prepared by the MoF under the Bank's Environmental and Social Standards (ESS), the capacity of the client to implement the project on a SEPs basis is limited; consequently, capacity building for the client, including local partners and contractors, will be included in the ESMF as well as in other environmental and social instruments to be prepared during implementation.
38. Other key risks, land acquisition and resettlement as well as labor management risks are expected to be low given that: (i) project activities should not resort to involuntary resettlement; and (ii) no major construction/ laborlabor involvement is envisaged.
39. IAs will establish a socio-environmental unit (SEU) in the PIU and PIU of the PREPARED project, and the PIU of the MoF, PIU CES & CD and PIU of MoT will have at least one environmental specialist, one social specialist at headquarters; PIU of MoF and PIU of MoT will appoint two experienced environmental and social specialists in each oblast office.

### 1.4 Environmental and Social Aspects

40. This project addresses Environmental and Social Aspects through the World Bank's Environmental and Social Standards (ESS) approach/structure). One of the standards, ESS 2 deals with labor and working conditions and expects the Project Implementation Agency (IA) to develop Labor management procedures (LMP). In accordance with ESS 2, this LMP was prepared to identify the main staffing requirements and risks associated with the implementation of the Project and to assist the IA in identifying the resources required to address labor issues. The LMP is a dynamic document initiated at an early stage of Project preparation and then reviewed and updated as the Project is developed and implemented. Accordingly, this document details the type of workers that may be employed by the Project and management.

### 1.5 Scope and Structure of LMP

41. The scope of the LMP shall be outlined in the World Bank ESS 2. Participation will be planned as an integral part of the environmental and social assessment of the Project and its design and



implementation. This report consists of 10 chapters. Chapter 1 serves as an introduction. An overview of the use of labor in the project is presented in Chapter 2. The key potential employment opportunities are listed in Chapter 3. The legal framework governing employment in Tajikistan and the gap analysis with the World Bank's ESS 2 analysis are discussed in Chapter 4. Implementation procedures, age requirements, policies and procedures as well as deadlines for personnel requirements are presented in the following chapters. The implementation arrangements and contractor management are presented in the last two chapters 9 and 10 respectively.

## 2. REVIEW OF LABOR USE IN THE PROJECT

### 2.1 Type of workers

42. ESS 2 divides workers into direct workers, contract workers, community workers and primary supply workers. The project may cover the following categories of workers: direct workers and contracted workers. The direct employees will be those whom MoF PIU/ MoT PIU / CES & CD PIU will deploy as "technical consultants" and "project specialists". They will be governed by mutually agreed contracts. Contract workers will be employed by contractors, subcontractors and other intermediaries as deemed appropriate, details of which will be known as activities commence. No primary supply workers or community workers are engaged. Communities will not have any roles in procurement or management of any contracts; however, community members are expected to be employed as contractor labor, which will be governed by the Contractor Management Plans. With regard to primary supply staff, the Project does not routinely seek goods or materials needed for the core functions of the Project.
43. *Direct employees.* The project will be implemented by the PIU. In addition to the PIU at national level, it is expected to have three regional project offices, in GBAO, Khatlon and Sughd.
44. *Contracted workers.* Two broad categories of contract workers are expected. First, these are the consultant service providers who will provide implementation support services to the Project Implementation Agency. The second, the staff of construction contractors to be subcontracted to organize the construction works of the subprojects.

### 2.2 Number of employees of the Project

45. The number of project staff to be involved in the Project is 41, They are based on the current staffing of the MoF PIU, MoT PIU and CoES & CD PIU (**Tajikistan Disaster Preparedness and Resilience Project**) in Dushanbe and in the potential regions to be covered by the Project.
46. *Direct employees.* The total number of PIU staff involved in this Project is estimated at around 18, including a national office in Dushanbe and three regional offices in Khatlon, Sughd and GBAO. Key PIU MoF staff funded under Component 4 include, but are not limited to: Project Director, Deputy Director, Accountant (4), Project Coordinators, Engineer, Procurement Specialists (2), M&E Specialist, Environmental Specialist, Social Development Specialist, Interpreter/Translator, and Regional Representatives (including Environmental and Social Liaison Officers).
47. *Contract workers.* The exact number of contracted project workers is not known at the moment. This will be known during the implementation phase of the Project. Contract workers will include:
- Technical assistance consultants will be hired for studies and capacity building tasks. Estimated number of consultants to be hired - (to be specified).
  - Contractors and construction workers. Construction works are envisaged under Components 1, 2 and 4 of the Project. Component 2 is tasked with strengthening the country's technical and institutional capacity in YPF, climate change resilience and adaptation through selected activities focusing on disaster risk identification, disaster preparedness and financial protection against disasters. The estimated manpower for Component 2 is about 200 people. Component 3: This component can be used to reallocate project funds or direct additional resources to supplement all or part of the reallocated funds in the RCCM, if such additional resources are made available due to an eligible emergency. Proposed manpower for Component 4 - (to be clarified after the

component enters into force)

48. In total, about 450 workers may be involved in the project's construction work.

### 2.3 Workforce characteristics

49. Considering the nature of the Project's hired labor force (mainly unskilled and semi-skilled construction personnel) and the characteristics of the labor market in Tajikistan, it is likely that the labor force, especially low skilled workers, will be predominantly men. Female workers are expected to be employed by MoF PIU and, in more limited numbers, by Contractors. It is estimated that women will make up about 5-10 percent (%) of the workforce, and this is likely to be public relations staff and/or staff working in operational offices and camps (maids, cooks, cleaners, etc.). It is expected that most of the labor force will be locally employed, except for a few skilled workers. All work will be contracted out. Contractors will be encouraged to train and employ as many community workers as possible.
50. Based on the experience of previous projects implemented by MoF RT PIU, all workers will be over 18 years old and on average 25-50 years old.

### 2.4 Timing and Labor Requirements

51. Direct workers will be required full-time and year-round throughout the Project. Consultants may be required on a full-time and occasional basis throughout the Project. Construction workers will be contracted as required. The construction season usually lasts from March to November, but can vary depending on weather conditions. Mobilization of labor according to the type of work and season will depend on the contractors.

### 3. POTENTIAL EMPLOYMENT RISKS

53. The following components might have potential employment risks Sub-component 1.1. Rehabilitation of roads affected by floods in 2021, Protection and strengthening of priority highways, Strengthening of regional crisis management centers and systems and Modernization of information and communication systems in risk management.
54. *Occupational health and safety risks (OHS)* moderate and will depend on the type of subproject work being carried out. It is estimated that the main occupational health and safety risks will relate to the health and safety risks associated with the construction and reconstruction of bridges, embankments and roads, such as exposure to physical, chemical and biological hazards during construction work, use of heavy equipment, tripping and falling hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical current from tools and equipment. As construction work will involve hazardous work, persons under the age of 18 will not be involved in construction work. Risks are considered to be moderate as local contractors are likely to be unskilled. Many workers will be exposed to health and safety hazards, including but not limited to:
- Electrical engineering works
  - Exposure to chemicals (paints, solvents, lubricants and fuels, pesticides, chemical fertilizers)
  - Road accidents
  - Hazards in the construction of mudflow protection
  - Lifting heavy structures
  - Exposure to airborne building substances (dust, silica and asbestos)
  - Ergonomic hazards in construction
  - Welding hazards (vapors, burns and radiation)
  - The dangers of steel assembly and so on.
55. MoF PIU/MoT PIU will take steps to prevent accidents, injuries and illness arising from, related to or resulting from work, by minimizing, as far as practicable, the causes of hazards. In accordance with international industry best practice, as reflected in various internationally recognized sources, including the World Bank Group's Environmental, Health and Safety Guidelines, the client will consider areas that include (i) identification of potential hazards for workers, especially those that may be life-threatening; (ii) ensuring preventive and protective measures, including changing, replacing or eliminating hazardous conditions or substances; (iii) training workers; (iv) documentation and reporting of accidents, diseases and incidents at work; and (v) mechanisms for prevention, preparedness and response to emergencies. Requirements to comply with industry best practice and Environmental, health and safety issues (EHS) guidelines will be included in the bidding documents of all construction contractors. All contractors will be required to comply with these labor management procedures, the provisions of which are specified in their contracts, including procedures for establishing and maintaining a safe working environment in accordance with the requirements of ESS 2. Under the ESMP, all contractors will be required to ensure that workers use basic protective equipment, undergo basic safety training and other preventative measures as set out in the project's ESMP.
56. The project responds to an urgent need through more sustainable reconstruction of roads affected by floods and mudslides in May-July 2021. It is also envisaged that the project will continue efforts to build the foundations for GoT's long-term programme of climate and disaster resilience, climate

change adaptation, reconstruction of critical infrastructure in the country and ensuring its resilience to natural hazards. The project will continue to improve infrastructure resilience by strengthening and protecting critical road segments, thus contributing to disaster risk reduction and better adaptation to climate change and avoiding potential damage in the long term perspective. Most of the labor force is expected to be recruited locally, with the exception of a few skilled workers. Therefore, the risk of labor inflow is considered low.

57. *The risk of child labor/forced labor* is rated moderate because this will be monitored by the EA and governed by the national laws and regulations, and the provisions of the World Bank's environmental and social standards. Article 8 of the Labor Code of the Republic of Tajikistan prohibits the use of forced labor and Article 4 “Principles of Labor Legislation of the Republic of Tajikistan” prohibits discrimination, forced labor and the use of female labor and the labor of minors in heavy, underground and at work with harmful working conditions. Moreover, according to the Tajik Labor Code, the persons between 14 and 16 years old may also be employed with reduced working hours, for employment that is not considered heavy or hazardous, and with parental permission and outside the school hours. For civil works no child labor is allowed. The PIU will supervise the contracts and the Contractors will be required in the contract to commit against the use of child/ forced labor, and PIU staff in charge of contractor supervision will monitor and report the absence of child/ forced labor.
58. *Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH)* risk is rated moderate due to national legislation exist, gender norms of rural residents, based on respect for local rules and traditions and mainly construction and rehabilitation works civil works will be implemented in the vicinity of health facilities or fenced territories. However, the contractors will be contractually obligated to include provisions against the use of any violence, and the Code of Conduct (COC) to be signed by project workers should clearly state that the contractor and its staff must respect and observe local customs and traditions, respect local women, women involved in rehabilitation activities of the Project and their privacy. EAs/PIUs staff, contractor oversight engineers, social and environmental specialists and monitoring and evaluation specialists will monitor and report on the presence or absence of violation cases
59. *Labor risks related to contractors at subproject level.* The subprojects will be implemented by local contractors and the majority of contracted workers will be local residents, except for a few skilled workers. All contractors will be required to have a written contract with their workers, materially consistent with the objective of ESS 2, in particular on child and forced labor.
60. *The main negative health and safety impacts are associated with:* (i) risks during construction work (noise, risk of injury), (ii) transmission of infectious diseases; and (iii) road safety and electrical appliance issues. In addition, there possible risks of social insecurity in employment without formal contractual obligations and restrictions on the remuneration of rural workers hired by the contractors, including women. However, the risks associated with the contractual relationship and remuneration between the contractor and the employee will be negligible because the subprojects will be implemented mainly by local contractors and most of the contracted workers will be from local vicinity with written labor contracts signed.
61. *Employment risks.* Workers will be employed by MoF PIU/MoT PIU /CES & CD PIU either directly as employees or indirectly through contracts with NGOs or service providers. Experience from an earlier World Bank funded project shows that construction subcontractors practice employment contracts and official payrolls for their workers, as they are obliged to comply with all legal and regulatory labor and accounting procedures under the loans/grants provided by the

Government of Tajikistan. There is a risk that the current practice of unrecorded working hours and lack of compensation for overtime will continue. According to management, MoF PIU/ MoT PIU / CES & CD PIU relies on donor-funded projects and approves budgets for each project and cannot exceed budget ceilings. MoF PIU/ MoT PIU / CES & CD PIU will keep track of staff working hours by filling in timesheets and limiting overtime hours.

## 4. A BRIEF OVERVIEW OF LABOR LAW

### 4.1 National legislation

62. The Constitution of the Republic of Tajikistan (adopted on November 6, 1994) includes legal provisions on labor conditions and occupational safety. It provides everyone the right to:
- **Safe labor.** The use of the labor of women and young people in hazardous and underground work as well as work in hazardous labor conditions is prohibited (Article 35);
  - **The right to rest.** That right is ensured by fixing the working hours and providing annual leave, weekly days off and other conditions stipulated under laws (Article 37);
  - **Health Protection.** The state takes measures to improve the environment, promote mass sports, physical culture and tourism (Article 38); and
  - **Social security** in old age in the event of disease, disability, loss of breadwinner and in other cases stipulated under the law (Article 39).
63. *The Labor Code of the Republic of Tajikistan (of 26 July 2016)* is the fundamental legislative act aimed at regulating all labor issues arising in the Republic of Tajikistan. This Code regulates labor relations and other relations directly related to the protection of rights and freedoms of the parties to labor relations, the establishment of minimum guarantees of rights and freedoms in the field of labor. Article 7 of the Code prohibits discrimination and guarantees equal rights to work for all citizens; discrimination in employment relations is prohibited. Any distinction, exclusion or preference, refusal of employment, regardless of nationality, race, sex, language, religion, political opinion, social status, education, property, leading to a violation of equality of opportunity in employment is prohibited.

#### 4.1.1 Relevant provisions of labor law

64. *Forced labor and child labor.* Article 8 of the 2016 Labor Code prohibits forced labor. The Code also establishes the minimum age at which a child can be employed, as well as the conditions under which children can work (Articles 113, 67, and 174). The minimum age for employment is 15, but in some cases of vocational training, light work may be allowed for 14-year-olds (Article 174). In addition, there are some restrictions on what type of work workers under the age of 18 can do and what hours of work are allowed. Examples of work restrictions include that persons 14 to 15 years of age may not work more than 24 hours per week, and persons under 18 may not work more than 35 hours per week; during the school year, the maximum number of hours is half of that, 12 and 17.5 hours, respectively.
65. *Salaries and deductions.* Contracts and collective bargaining agreements establish the form and amount of compensation for work performed. The government sets a minimum wage, called the "social norm" (article 103), which can be adjusted by an index based on discipline and possibly other factors. Additional compensation for working in deserts, other arid ("dry") and mountainous areas.
66. Employers are required to pay workers at least once a month (Article 108). If payment is not made as stated in the contract and it is the employer's fault, the employer must pay "...additional money in accordance with the bank's discount rate for each day of delay" (Article 108). Employers must also pay for work-related injuries or property damage, and families are compensated in the event of death. Deductions are allowed for special reasons, but cannot exceed 50 percent of the amount owed to the employee, and the payment after deductions cannot be less than the minimum rate set by the government (Article 109).

67. *Women.* Article 162 prohibits overtime, weekend work and business trips for pregnant women or women with children under the age of three. Women with children between the ages of three and 14 are allowed overtime and business trips, but only with the woman's consent. Other gender provisions are described in the relevant subsections.
68. *Working hours.* The standard work week is 40 hours, less is allowed for those under 18 years of age. The number of hours per day and days per week is set in the contract/agreement between employer and employee. Employers must provide up to two hours of unpaid time off each workday for "rest and meals," as well as paid time off in case time is needed to cool down, warm up, or breastfeed. The details of the time off are set out in the contracts/agreements.
69. *Vacation.* In addition to public holidays, workers must receive at least 24 days of paid leave per year, with workers under the age of 18 receiving at least 30 days and workers with disabilities receiving 30 days. In addition, those who work in unhealthy and adverse working conditions receive an additional seven days, and those who work in adverse climatic conditions receive an additional eight days.
70. Leave without pay can also be taken by certain groups of people and may also be included in contracts. When employees are laid off, they are paid for unused leave, or they can use the leave as their last days of work.
71. Women are given up to 70 calendar days of maternity leave, or 86 days in the case of a complicated birth, and then 100 days of postpartum leave with benefits from state social insurance. Maternity leave is calculated cumulatively and paid in a lump sum, regardless of the actual number of days off before the birth. After the birth, the mother can take additional leave until the baby is six months old, again paid by social insurance. She can take unpaid leave until the child reaches the age of three. Her position is guaranteed upon her return from all these leaves of absence. In addition, this "parental leave" can be used by the father, grandparents or other relatives/guardians if they are really responsible for the care of the child.
72. *Overtime work.* Overtime may be required up to 12 hours per day and is paid with compensatory time or at a rate at least twice the regular rate. Night work is paid at 1.5 times the regular rate. The terms and conditions of overtime work are defined in the contract.
73. *Labor disputes.* Labor disputes include "unresolved disagreements between the employer and the employee on the application of legislative and other normative acts on labor of the Republic of Tajikistan and working conditions provided by the labor agreement (contract), collective agreement and contracts" (Article 189). Disputes may be considered by commissions, which are created "on an equal footing with the employer and structures representing the interests of employees, ..." (i.e. with equal representation of the employee/workers and the employer), if such commissions are provided for in employment agreements/contracts (Art. 191). The commissions must review the issues within 10 days. If the employer, the employee or their representatives do not agree with the decisions of the commission, or if the commission does not consider the application within 10 days, either party may appeal to the court, but this must be within 10 days of the decision (or non-decision). In addition, the public prosecutor may appeal if the decision is contrary to law "or other regulations" (Article 192).
74. Appeals to the commission or the court must be made within a limited period of time after the event giving rise to the dispute: within three months for appeals to the commission and within various periods of time for appeals to the court, depending on the nature of the dispute (without limitations on non-property rights and for compensation for injury to life or health). In such cases,



employees are exempt from paying court costs.

75. Compared with individual disputes, collective disputes are "unresolved inconsistencies between employers (employers' unions) and the collective of workers (workers' representatives) on the establishment and changes in working conditions at enterprises, the signing and implementation of collective agreements and contracts, as well as on the application of the terms of legislative and other normative legal acts, collective agreements and contracts". Intermediaries are chosen by agreement of the parties (i.e., union and employer representatives). If this does not result in an agreement, the parties create a "labor arbitration" "in cooperation with the district or city administration" (Article 209), with the parties choosing the members and chair of the arbitration. The arbitration must make a decision within 10 days. If no agreement can be reached, the case is referred to the labor collective or trade union, which can use all means of law to resolve the issue, including strikes. If disputes concern the application of legislative "and other normative acts", they can be referred to the court by one of the parties.
76. *Complaints.* The Law on Appeals of Individuals and Legal Entities (of July 23, 2016) contains legal provisions on the established channels of information through which citizens can submit their complaints, requests and claims. Article 14 of the Law establishes deadlines for consideration of complaints: 15 days from the date of receipt, not requiring additional study and research, and 30 days for appeals that need additional study.

#### 4.1.2 Legal provisions for occupational health and safety

77. Occupational health and safety is also regulated by the Labor Code. Article 5 of the Act describes the roles and responsibilities of employers and employees related to occupational health and safety. The law requires employers to:
- Be responsible for ensuring safe working conditions and occupational safety at each workplace;
  - Use personal and collective protective equipment (including protective clothing and equipment);
  - Ensure an appropriate work and rest schedule;
  - Train employees in their work and safe work methods;
  - Give instructions on occupational safety and health;
  - Test and verify employees' knowledge of safe work practices;
  - Conduct certification of workplaces at least once every five years;
  - Investigate accidents;
  - Provide sanitation and medical services;
  - Provide access to the premises of government employees; and
  - Provide social insurance against accidents and illnesses.
78. Employees, on the other hand, must undergo initial and periodic medical examinations, undergo training and periodic checks of their knowledge of their jobs and safety requirements, and comply with medical and health measures prescribed by a medical facility, at the employer's expense.
79. It is not only government employees who have the right to inspect premises to verify safety conditions. In addition, trade unions "and other representative bodies" are also "free to inspect" compliance with health and safety requirements and suggest corrective measures to be considered by the employer.
80. Employers with more than 50 employees must establish an Occupational Safety and Health Service. This requirement is met by many Projects and will be a requirement for construction

contractors with more than 50 employees.

81. The law gives workers the right to refuse to perform work that violates occupational safety requirements. In addition, employees working in hazardous working conditions are entitled to free medical and preventive care, additional paid leave and other benefits and compensation. In the event of disability or death, employers must provide compensation in multiples of average annual earnings, as well as other amounts required by law.

#### 4.2 Environmental and Social Standards of the World Bank: ESS 2

82. The World Bank's labor-related conditions are outlined in ESS 2. It assists Borrowers in promoting strong employee-management relations and enhancing the benefits of project development by treating project workers fairly and providing safe and healthy working conditions. Key Objectives of ESS 2:

- Promote safety and health at work;
- Promote fair treatment, non-discrimination and equal opportunities for project employees;
- Protect project workers, including vulnerable workers such as women, people with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contract workers, community workers and primary supply workers, if necessary;
- Support the principles of freedom of association and collective bargaining for project employees in accordance with national law; and
- Provide an accessible means for Project employees to discuss problems in the workplace.

83. ESS 2 applies to Project employees, including full-time, part-time, temporary, seasonal, and migrant workers. If public civil employees work in connection with a project, whether full-time or part-time, they will continue to be subject to the terms and conditions of their existing public sector employment contract or arrangement, unless there has been an effective legal transfer of their employment or participation in the project. ESS 2 does not apply to government civil servants.

84. Working conditions and labor management. The Borrower will develop and implement written labor management procedures applicable to the Project. These procedures will define the manner in which the Project's workers will be managed in accordance with the requirements of national law and this ESS. The procedures will address the manner in which this ESS will apply to various categories of project employees, including direct employees, as well as the manner in which the Borrower will require third parties to manage its employees.

85. Project employees will be provided with clear and understandable information and documentation regarding the terms and conditions of their employment. The information and documentation will set forth their rights under national labor and employment laws (including any applicable collective bargaining agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, and those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and at any material change in the terms or conditions of employment.

86. For more information about the World Bank's environmental and social standards, please click on the links below:

87. In English:

[www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards](http://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards)

88. and in Russian

<http://projects-beta.vsemirnyjbank.org/ru/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>.

### 4.3 Policy Gaps

**Table 4.1:** Summary of World Bank requirements and key gaps with legal requirements of the Republic of Tajikistan

ESS and subject matter	Basic WB requirements	Key requirements / gaps in the regulatory framework of RT	Principles to be followed by the project
A. Working conditions and regulation of labor relations	<ul style="list-style-type: none"> <li>- Written labor management procedures</li> <li>- Terms and conditions of employment</li> <li>- Non-discrimination and equal opportunity</li> <li>- Employee organizations</li> <li>- Developed plans to regulate labor relations, including guaranteeing the contractor's ESMP</li> </ul>	<ul style="list-style-type: none"> <li>- Requires a written employment contract, including procedures and terms and conditions of employment</li> <li>- Special requirements for non-discrimination and equal opportunity</li> <li>- No provisions for plans to regulate labor relations.</li> </ul>	LMP developed for the project. Terms and conditions in the LMP are consistent with the national law.
B. Protection of the workforce	<ul style="list-style-type: none"> <li>- Prohibition of child labor</li> <li>- Prohibition of forced labor</li> </ul>	<ul style="list-style-type: none"> <li>- Forced labor is prohibited (free will is required)</li> <li>- Definition of child labor</li> <li>- National government program for the elimination of the worst forms of child labor is adopted</li> <li>- Promotes the elimination of hazardous forms of child labor for children under 18.</li> </ul>	Children under the age of 18 will not participate in construction work, construction or reconstruction works.
C. Grievance redress mechanism	<ul style="list-style-type: none"> <li>- Project-specific GRM must be provided for project-affected parties.</li> <li>- Separate GRM must be provided for direct employees and contract workers.</li> </ul>	<ul style="list-style-type: none"> <li>- There is no GRM guarantee for a specific project.</li> <li>- However, you can go to: a) the Conciliation Commission; b) the Labor Inspectorate</li> </ul>	PIU will develop GRMs for its employees (direct employees) in accordance with this LMP. Contractors will install and

	<ul style="list-style-type: none"> <li>- GRM should allow for anonymous complaints.</li> </ul>	<p>under the Ministry of Labor; and c) the court.</p> <ul style="list-style-type: none"> <li>- Registration of complaints and subsequent procedures are set out in the Law on Appeals of Physical and Legal Persons. Anonymous complaints are not accepted.</li> </ul>	<p>maintain GRMs for their employees. Anonymous complaints are accepted as part of the GRM of a particular project.</p>
D. Occupational health and safety	<ul style="list-style-type: none"> <li>- Detailed procedures required for each project.</li> <li>- Requirements for worker protection, worker training, incident documentation, emergency preparedness, problem solving; and</li> <li>- OHS performance monitoring</li> </ul>	<p>There is no detailed procedure specific to each project.</p>	<p>ESMF will define a framework approach. Site-specific ESMPs will include OHS measures and monitoring plans.</p>
E. Category of employees	<ul style="list-style-type: none"> <li>- Indicates 4 categories of employees.</li> </ul>	<p>No references to community workers and primary supply</p>	<p>Community workers will not be involved in the project. Under this LMP, verification and monitoring measures will be introduced.</p>
F. Minimum age of employees	<ul style="list-style-type: none"> <li>- Age for employment or engagement in connection with the project is 14 unless national law specifies a higher age.</li> </ul>	<p>Work is permitted for persons over 15 years of age, but with the permission of a guardian.</p>	<p>All workers must be 18 years of age or older for construction work.</p>

## 5. RESPONSIBLE STAFF

89. The MoF PIU/MoT PIU / CES & CD PIU Director supervises and directs all workers associated with the Project. The MoF PIU/MoT PIU / CES & CD PIU Social Development Specialist (national level) and the M&E Specialist will be responsible for:
- The implementation of these procedures to regulate labor relations;
  - Ensuring that contractors performing construction work have prepared labor management procedures that comply with this labor management procedure and have prepared health and safety plans prior to mobilization to the field, and to approve procedures and plans prior to issuing notices to begin construction work;
  - Monitor to ensure that contractors comply with labor and OHS obligations to contracted and subcontracted workers as required by Tajikistan law, general conditions of contract, special conditions of contract, and standard World Bank bidding documents;
  - Monitor contractors' and subcontractors' compliance with labor regulation procedures;
  - Monitor compliance with occupational health and safety standards at all workplaces in accordance with the laws of the Republic of Tajikistan on occupational health and safety and approved occupational health and safety plans;
  - Supervise and implement LMP and OHS training for project staff;
  - Ensure that a grievance mechanism is created and implemented for project staff and that employees are informed of its purpose and how to use it;
  - Have a system for regular monitoring and reporting on workplace productivity, health and safety; and
  - Monitor compliance with the Employer Code of Conduct.
90. The PIO will include standard contract templates that include LMP provisions, sample Code of Conduct and OHS aspects, as well as contractor obligations (NGO and construction work) under them. The responsibilities of LMP and OHS contractors are as follows:
- Comply with labor management procedures and health and safety requirements as specified in contracts signed with MoF PIU/ MoT PIU / CES & CD PIU. If the number of workers (direct + contracted) exceeds 50, contractors will develop their own LMPs and OHS plans. These procedures and plans will be submitted to the MoF PIU/ MoT PIU / CES & CD PIU Director for review and approval before contractors are allowed to mobilize to the field.
  - Monitor subcontractors' compliance with labor regulation procedures and occupational health and safety requirements.
  - Maintain records of the hiring and employment of contract employees as required by their contracts.
  - Clearly communicate job descriptions and conditions of employment to all employees.
  - Ensure that every project worker employed by the contractor/subcontractor knows the designated MoF PIU / MoT PIU/ CES & CD PIU phone number, email address and web portal through which anyone can file complaints.
  - Conduct induction training (including social) and regular training of employees on occupational safety requirements, including training on their rights under the legislation of the Republic of Tajikistan, the risks associated with their work, and measures to reduce risks to acceptable levels.

- In cooperation with the MoF PIU /MoT PIU / CES & CD PIU social development specialist, conduct training on labor management and safety procedures for subcontractor performance management.
- Ensure that all contractor and subcontractor employees understand and sign the Code of Conduct before beginning work, and monitor compliance with the Code.

## 6. POLICIES AND PROCEDURES

91. As stated in the Labor Code, the employment of Project employees will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspect of the employment relationship, including hiring, compensation, working conditions and employment provisions, access to training, promotion or termination. The following measures highlighted in the MoF PIU / MoT PIU / CES & CD PIU will be performed by contractors and monitored by the MoF PIU / MoT PIU / CES & CD PIU monitoring and evaluation specialist to ensure fair treatment of all employees:
- Hiring procedures will be transparent, public and non-discriminatory, and open to ethnicity, religion, sexual orientation, disability, or gender.
  - Applications for employment will only be considered if submitted through the contractors' formal application procedures.
  - Clear job descriptions explaining the skills required for each position will be provided prior to hiring.
  - All workers will have written contracts describing the terms and conditions of employment and explaining their content. Workers will sign a contract of employment.
  - The unskilled labor force will be predominantly recruited from affected communities, settlements, and municipalities, at least 50 percent.
  - Employees will be informed at least two months in advance of their expected release date.
  - Contracted workers will not pay any employment charges. If any employment charges must be incurred, they will be paid by the employer (in which case the "Employer" will be the contractor).
  - Depending on the origin of the employer and the employee, the terms and conditions of employment will be communicated in language that both parties understand.
  - In addition to the written documentation, employees who may have difficulty understanding the documentation will be provided with an oral explanation of the terms and conditions of employment.
  - It should be noted that language problems are not expected, but if they arise, interpretation will be provided to workers if needed.
  - Foreign workers will require a residence permit that allows them to work in the Republic of Tajikistan.
  - All workers must be 18 years of age or older to perform construction work. This will be a requirement in PMU contracts with construction contractors. MoF PIU / MoT PIU / CES & CD PIU will ensure that construction workers under the age of 18 are not working).
  - Normal working hours shall not exceed 40 hours per week. In a five-day work week, the daily work time is determined by the internal work regulations, approved by the employer after prior consultation with employee representatives, respecting the established duration of the work week.

## 7. AGE OF EMPLOYMENT

92. Legislation of the Republic of Tajikistan prohibits persons under 18 years of age from performing "work with harmful and difficult working conditions", i.e. to carry out construction and installation works and there are special requirements for leave, working hours, and other conditions of employment. PIU will ensure that construction workers under the age of 18 are not hired unless they have been hired for office work. Under local law, workers between the ages of 15 and 18 may be hired to work in the office with reduced hours (after-hours with the permission of the custodian). It is expected that people to be hired within the project will be over 18.
93. Contractors will be required to verify the identity and age of all workers. This will require workers to provide official documentation, which may include a birth certificate, national ID card, passport, or medical or school card. If a child under the minimum age limit is found to be working on the Project, steps will be taken to immediately terminate the child's employment or employment in accordance with the principles of accountability, taking into account the best interests of the child.

## 8. TERMS AND CONDITIONS OF EMPLOYMENT

94. The terms and conditions applicable to MoF PIU / MoT PIU / CES & CD PIU employees are set forth in the "Personnel Regulations. These internal labor rules and regulations will apply to all MoF PIU / MoT PIU / CES & CD PIU employees assigned to work on a project (direct workers). The terms and conditions of direct part-time (part-time) workers are defined in their individual contracts.
95. MoF PIU / MoT PIU / CES & CD PIU uses two types of employment contracts: one-year employment contracts and short-term service contracts. Most employees are permanent employees with one-year employment contracts with a fixed monthly salary. All hiring procedures shall be documented and kept in folders in accordance with the requirements of the labor laws of the Republic of Tajikistan. Staff contracts must be properly documented. Monthly timesheets are also filed and carefully stored. Forty hours of employment per week are practiced and recorded on paper.
96. Working hours for MoF PIU / MoT PIU / CES & CD PIU employees are 40 hours per week, eight hours per workday. It should be noted that the Labor Code provides for a 40-hour work week, but allows for a six-day week, which may be required for some project workers. All project workers will get at least one day off (24 hours) after six consecutive working days.
97. The contractor labor regulation procedure will establish terms and conditions for contractor and subcontractor workers. These terms and conditions will, as a minimum, comply with this labor regulation procedure, the Labor Code of the Republic of Tajikistan and the General Terms and Conditions of the World Bank's Standard Procurement Documents.



## 9. GRIEVANCE REDRESS MECHANISM

98. Project stakeholders and citizens have two options for complaining about project activities, i.e. Grievance Redress Mechanism (GRM) and Grievance Redress Service (WB)(GRS). GRM for a specific project will be based on the Laws of the Republic of Tajikistan "On Appeals of Physical and Legal Persons" and "On Civil Service", as well as the Instructions of the Government of the Republic of Tajikistan "On Procedures for Management of Records on Appeals of Citizens" and ESS 10 of the World Bank.
99. The Project will also establish a separate GRM for Project workers. Essentially, it will be at two levels - regional (at the three regional MoF PIU offices) and national (in Dushanbe at the central MoF PIU / MoT PIU office). Project-specific GRM and GRM for workers allow for anonymous complaints in accordance with World Bank ESS.

### GRM Contacts

#### PIU MoF

State Institution "PIU Access to Green Finance and Rural Development"

F.Niyozzi street Ministry of Finance , Dushanbe

Tel: (992 37) 227 67 87

web site: [www.piumof.tj/pages/108](http://www.piumof.tj/pages/108)

#### PIG CoESCD

26 Lohuti street, Dushanbe

Tel: (992 37) 223 10 09

email: [info@ khf.tj](mailto:info@khf.tj)

web site: [www.khf.tj](http://www.khf.tj)

#### PIG MoT

14 Ayni street., Dushanbe

Tel:(992 37) 223 10 09

email: [preparedproject@yahoo.com](mailto:preparedproject@yahoo.com)

web site: [www.mintrans.tj](http://www.mintrans.tj)

### 9.1 Structure of an employee's GRM

100.**Project-specific GRM is structured on two levels:** local/contractor and national/PIU.

101.**Local level:** Contractors will install and maintain GRM for their employees in accordance with this LMP. The Contractor will designate a Grievance Focal Point (GFP) for complaints and appeals. If the problem cannot be resolved at the contractor level within 15 days, it will be escalated to the national level at the PMU.

102.**National level:** Grievance Review Group (GRG), chaired by the MoF PIU / MoT PIU / CES & CD PIU director and including representatives from the MOLEM Labor Inspectorate, relevant government agencies, and the national employers' association. The PIU Social Development

Specialist will serve as the Team Secretary and National Focal Point (GFP) for complaints and grievances received directly or referred by contractors. He/she will be responsible for summarizing the number and types of all complaints and issues received from project staff from the target regions.

103. The time limit for resolving a complaint at the national level will be 15 days from receipt of the complaint which does not require further study and research, and 30 days for complaints which require further study. The complainant will be informed of the result immediately and at the latest within 5 days of the decision.

104. *Mechanism of appeals.* If the complaint is still not resolved to the complainant's satisfaction, he/she may submit his/her complaint to the appropriate court.

## 9.2 Complaint logs

105. The MoF PIU GRM Specialist and MoT PIU / CES & CD PIU Social Development Specialists and GFP will maintain local employee Complaint logs to ensure that each complaint has an individual reference number and is properly tracked and reported actions are completed. Project-specific GRM allows you to submit anonymous complaints. When feedback is received, including complaints, the following is determined:

- Type of appeal;
- Appeal category;
- Persons responsible for the study and implementation of the appeal;
- the deadline for resolving the appeal; and
- Coordinated action plan.

106. The GRM Specialist of the MoF PIU /Social Development Specialist of the MoT PIU / CES & CD PIU and GFP will ensure that each complaint has an individual reference number and is appropriately tracked and the actions recorded are followed. Project-specific GRM allows for anonymous complaints. The log must contain the following information:

- The name of the person, his/her location, and details of his/her complaint;
- Complaint filing date;
- Date of uploading the complaint log to the project database;
- Information on proposed corrective actions, name of approving authority;
- The date on which the proposed corrective action was sent to the applicant (if applicable);
- Information about the Grievance Management Group meeting (if necessary);
- The date on which the complaint was closed; and
- Date on which the response was sent to the applicant.

## 9.3 Complaints monitoring and reporting

107. GFP is responsible for:

- Maintain a log of complaints received at the regional level;
- Monitoring outstanding issues and proposing measures to address them; and
- Providing quarterly reports on GRM mechanisms to the PIU Social Development Specialist.

108. The MoF PIU GRM Specialist and the MoT PIU / CES & CD PIU Social Development Specialist are responsible for:

- Maintain a log of complaints received at the national level;

- Summarize and analyze qualitative data received from GFPs on the number, substance and status of complaints, and upload them into a single project database;
- Monitoring of outstanding issues and suggesting actions to address them; and
- Submitting the quarterly reports on GRM mechanisms to the PIU Monitoring and Evaluation Specialist.

109. MoF PIU will provide quarterly reports to the World Bank, which must include a GRM-related section that provides an update on the following:

- GRM implementation status (procedures, training, public awareness campaigns, budgeting);
- Qualitative data on the number of complaints received / (applications, proposals, complaints, requests, positive feedback) indicating complaints related to the World Bank ESS 2 and the number of resolved complaints;
- Quantitative data on the types of complaints and responses, problems provided and complaints that remain unresolved;
- The level of satisfaction with the measures taken (responses); and
- Any corrective measures taken.

110. MoF PIU / MoT PIU / CES & CD PIU and its subcontractors will use the Bank's 2017 Standard Procurement Documents for bids and contracts that include ESF provisions on labor, health and safety requirements. As part of the process of selecting contractors who will employ contract workers, the MoF PIU / MoT PIU / CES & CD PIU may consider the following information:

- Information in public records, such as corporate registries and public records relating to violations of applicable labor laws, including reports from labor inspections and other law enforcement agencies;
- Business licenses, registrations, permits and approvals;
- Documents related to the labor-management system and the health and safety system. (e.g., personnel manuals, safety program);
- Identification of labor-management and safety personnel, as well as medical personnel, their qualifications and certifications;
- Records of litigation related to labor relations;
- Certificates/permits/training for workers to perform required work;
- Records of safety and health violations and responses;
- Records of accidents and fatalities, and notifications to authorities;
- Records of legally required employee benefits and evidence of employee enrollment in appropriate programs;
- Records of employees' wages, including hours worked and wages received;
- Identification of safety committee members and meeting notes; and
- Copies of previous contracts with contractors and suppliers demonstrating inclusion of terms and conditions reflecting ESS 2 or equivalent requirements.

#### 9.4 The World Bank grievance redress system

111. Communities and individuals who believe they have been adversely affected by a World Bank (WB)-supported project, may submit complaints through existing project-level grievance mechanisms or to the World Bank Grievance Redressal Service (GRS). GRS guarantees that the complaints received will be promptly addressed in order to solve problems related to the project. Communities and individual project affected persons may submit their complaints to an

independent World Bank Inspection commission, which determines whether harm has been or may be caused by the World Bank's failure to comply with its policies and procedures. Complaints may be filed at any time after questions have been brought to the attention of the World Bank and bank management has been given an opportunity to respond. For information on how to file a complaint with the World Bank's Corporate Complaint Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For more information on how to file a complaint with the Inspection Commission of the World Bank, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org). Complaints may be filed in English, Tajik or Russian, although complaints in languages other than English will require additional time to process. Complaints can be submitted to the bank's GRS at the following email address: [grievances@worldbank.org](mailto:grievances@worldbank.org)

112. Communities and individuals who believe that they have been adversely affected by a World Bank-supported project, may also file complaints directly with the Bank through the Bank's Permanent Representation in the Republic of Tajikistan through the following channels.

By phone: +992 48 701-5810

By mail: 48 Aini Street, "Sozidaniye" Business Center, 3rd floor, Dushanbe, Republic of Tajikistan

By e-mail: [tajikistan@worldbank.org](mailto:tajikistan@worldbank.org)

113. The submitted complaint must clearly state the adverse impact(s) purportedly caused or likely to be caused by the Bank-supported project. It should, as far as possible, be supported by all available documentation and correspondence. The complainant may also indicate the desired end result of the complaint. Finally, it is essential that the complaint identify the complainant(s) or designated representative(s) and contain contact information. Complaints filed through GRS are promptly addressed so that problems with the project can be promptly resolved.

## 10. CONTRACTOR MANAGEMENT

114. Construction and other contracts will include labor, health, and safety provisions, as required by the World Bank's Standard Procurement Documents and the laws of the Republic of Tajikistan.
115. The MoF PIU / MoT PIU / CES & CD PIU will manage and supervise contractors for contracted workers, paying particular attention to contractors' compliance with their contractual agreements (obligations, representations and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project sites and work sites, as well as contractor labor-management records and reports. Contractor labor management records and reports that may be reviewed will include: representative samples of labor contracts or arrangements between third parties and contracted workers, records relating to complaints received and their resolution, records relating to safety inspections, including accidents and incidents and corrective action implementation, records relating to incidents of noncompliance with national law, and records of training provided to contracted workers.

## **ATTACHMENT 1. The content and template of code of conducts**

### **CODE OF CONDUCT**

#### **MINIMUM REQUIREMENTS FOR THE CODE OF CONDUCT**

A minimum requirement for the Code of Conduct should be set out, taking into consideration the issues, impacts, and mitigation measures identified in:

- Site specific ESF instruments e.g. ESIA/ESMP
- consent/permit conditions
- required standards including World Bank Group EHS Guidelines
- national legal and/or regulatory requirements and standards (where these represent higher standards than the WBG EHS Guidelines)
- relevant standards e.g. Workers' Accommodation: Process and Standards relevant sector standards e.g. workers accommodation
- grievance redress mechanisms.

The types of issues identified could include. risks associated with: labor influx, the spread of communicable diseases, sexual harassment, gender-based violence, illicit behavior and crime, and maintaining a safe environment etc.

The minimum Code of Conduct requirement may be based on the following:

#### **CODE OF CONDUCT REQUIREMENTS**

A satisfactory code of conduct will contain obligations on all project staff (including sub-contractors and day workers) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the region, the location and the project sector or to specific project requirements. The issues to be addressed include:

- Compliance with applicable laws, rules, and regulations of the jurisdiction
- Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
- The use of illegal substances
- Non-Discrimination (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
- Interactions with community members (for example to convey an attitude of respect and non-discrimination)
- Sexual harassment (for example to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
- Violence or exploitation (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
- Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)
- Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
- Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- Respecting reasonable work instructions (including regarding environmental and social norms)
- Protection and proper use of property (for example, to prohibit theft, carelessness or waste)

- Duty to report violations of this Code
- Non retaliation against workers who report violations of the Code, if that report is made in good faith.

The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

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

## CODE OF CONDUCT TO BE ADHERED BY CONTRACTORS

Code of Conduct for Contractor's Personnel (ES) Form

### CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

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

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are

#### **Note:**

**The minimum content of the Code of Conduct form as set out by the Employer shall not be substantially modified.** However, the Contractor may add requirements as appropriate, including to take into account Contract-specific issues/risks.

being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "Contractor's Personnel" and are subject to this Code of Conduct.

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

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

## REQUIRED CONDUCT

Contractor's Personnel shall:

- carry out his/her duties competently and diligently;
- comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
- maintain a safe working environment including by:
  - ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
  - wearing required personal protective equipment;
  - using appropriate measures relating to chemical, physical and biological substances and agents; and
  - following applicable emergency operating procedures.

- report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
- treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
- not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
- not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
- not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
- complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- report violations of this Code of Conduct; and
- not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

#### RAISING CONCERNS

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

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

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

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

#### CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

#### FOR CONTRACTOR'S PERSONNEL:

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



Name of Contractor's Personnel: [insert name]

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

Countersignature of authorized representative of the Contractor:

Signature: \_\_\_\_\_

Date: (day month year): \_\_\_\_\_

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

ATTACHMENT A TO THE CODE OF CONDUCT FORM

**BEHAVIORS CONSTITUTING SEXUAL EXPLOITATION AND ABUSE (SEA) AND BEHAVIORS CONSTITUTING SEXUAL HARASSMENT (SH)**

The following non-exhaustive list is intended to illustrate types of prohibited behaviors

(1) Examples of sexual exploitation and abuse include, but are not limited to:

- A Contractor's Personnel tells a member of the community that he/she can get them jobs related to the work site (e.g. cooking and cleaning) in exchange for sex.
- A Contractor's Personnel that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.
- A Contractor's Personnel rapes, or otherwise sexually assaults a member of the community.
- A Contractor's Personnel denies a person access to the Site unless he/she performs a sexual favor.
- A Contractor's Personnel tells a person applying for employment under the Contract that he/she will only hire him/her if he/she has sex with him/her.

(2) Examples of sexual harassment in a work context

- Contractor's Personnel comment on the appearance of another Contractor's Personnel (either positive or negative) and sexual desirability.
- When a Contractor's Personnel complains about comments made by another Contractor's Personnel on his/her appearance, the other Contractor's Personnel comment that he/she is "asking for it" because of how he/she dresses.
- Unwelcome touching of a Contractor's or Employer's Personnel by another Contractor's Personnel.

A Contractor's Personnel tells another Contractor's Personnel that he/she will get him/her a salary raise, or promotion if he/she sends him/her naked photographs of himself/herself.