

Somali Integrated Statistics and Economic Planning
Capacity Building
(P171160)

Labor Management Procedures (LMP)

FOR DISCLOSURE

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INTRODUCTION

1. **Labor Management Procedures.** Under the World Bank Environmental and Social Standard 2 (ESS2: *Labor and Working Conditions*), the Borrower is required to develop labor management procedures (LMP). The purpose of the LMP is to identify the main labor requirements and risks associated with the project, and help the Borrower to determine the resources necessary to address project labor issues. The LMP will enable different project-related parties, for example, staff of the project implementing unit, consultants and project workers, to have a clear understanding of what is required on a specific labor issue. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

2. **Project Description.** Years of civil war and ongoing conflict in parts of Somalia eroded the Somali statistical infrastructure and capacity leading to gaps in statistical information that is vital for national development. Before the fall of the Central Government in 1991, Somalia had a well-established Department of Statistics in the Ministry of Planning and Co-ordination responsible for the production of official statistics; and Statistics Law passed in 1970. After the fall of the Central Government, the department was destroyed and much of the statistical information has been lost. Over the years, the department continued to collect some economic and financial data in some surveys, although with minimum capacity and scope. Despite reestablishing a central government in 2012, upgrading of the Department of Statistics into a Directorate of National Statistics in 2014, and revising legislative and regulatory frameworks of statistical activities to improve the organizational structure and operation of what can be considered as an NSS, Somalia still lacks a fully functioning NSS to produce quality official statistics. Somalia has significant data gaps and lacks adequate and reliable statistical information—especially in economic statistics—to inform policies and programs aimed at fostering economic growth and reducing poverty. Basic macroeconomic and development indicators are either not available, are dated, or exclude large parts of the population such as nomads. Somali Integrated Statistics and Economic Planning Capacity Building therefore aims to strengthen the governance and capacity of the National Planning, Statistical and M&E Systems to fill statistical data gaps; design and implement the NDP/IPRSP; and regularly assess, analyze and improve their public policies and programs performance and results

3. **Project Components.** The project has four components: (1) A policy analysis and planning component, (2) A statistical system component, (3) A monitoring and evaluation component, and (4) A project management component to oversee and supervise the activities covered in the component 1-3.

I. OVERVIEW OF LABOR USE ON THE PROJECT

4. ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The labor category of direct workers will be government civil servants (belonging to the Ministry of Planning, Investment & Economic Development - MoPIED) and staff of the statistics units from other government ministries, departments and agencies (MDAs) benefitting from the project or those deployed as ‘technical consultants’ by the project. While the civil servants are governed by a set of civil services code, the consultants will be governed by a set of mutually agreed contracts. These consultants will be housed in a Project Implementation Unit (PIU) to be established under MOPIED.

5. **Direct Workers.** The project will engage the following types of workers as “direct workers”:

- 1) **Project Implementation Unit (PIU):** Project Implementation Unit (PIU) will be set up within MOPIED FGS to manage the project. The PIU will be staffed with a project coordinator as well as specialists in financial management (FM), procurement, information and communication technology (ICT), human resources (HR), and monitoring and evaluation (M&E). This project component will provide funding for those functions and their implementation...
- 2) **Civil Servants:** civil servants (belonging to the Ministry of Planning, Investment & Economic Development - MoPIED) will be involved in the project implementation on full time or on part time
Consultants: The PIU could be supported by international consultants, if needed, with a focus on building capacity of the unit over the initial phase of the project
Field supervisors/Field staff/enumerators will be hired for Somali Integrated Household Budget Survey (SIHBS) and the Somali Integrated Business Establishments Survey (SIBES) data collection exercises.

6. **Primary supply workers.** The project will require primary supplies to cater for the operational costs for the statistics office particularly office supplies and equipment (including computers, printers, utilities, internet & other communication costs, and related equipment). Where such materials are directly sourced from primary suppliers on an ongoing basis, the workers engaged by such primary suppliers are deemed “primary supply workers”, as defined in ESS2. The need for primary suppliers will be determined at project implementation stage.

7. **Community workers.** The project will have no community workers as defined under ESS2. The community members to be engaged will be categorized and managed as “contracted workers”.

8. **Other stakeholders working in connection with the project.** Stakeholders working in connection with the project other than the above project workers will include the following.

- 1) **Government civil servants:** Some federal, state government civil servants will be working in connection to the project, which will include Federal Ministries; State Ministries; and district police that provide security services. They will remain subject to the terms and conditions of their existing public sector employment, which are governed by Somalia's Provisional Constitution (2012) and Civil Service Law (Law Number 11) that covers permanent civil servants but does not apply to local government employees and to members of the armed forces or the police and corrections corps. There will be no legal transfer of their employment or engagement to the project. The Constitution and the Civil Service Code prohibit child labor and forced labor. The government civil servants involved in the project are not expected to be exposed to Occupational Health Safety (OHS) risks under the project as they will not engage in project-related civil works.

Table: Overview of Indicative Labor Use

Type of project workers	Characteristics of project workers	Timing of labor requirements	Indicative number of workers
Direct workers <ul style="list-style-type: none"> • PIU consultants • Field supervisors/Field staff/enumerators 	<ul style="list-style-type: none"> • PIU: National consultants • consultants: international and national experts • Field workers: National 	<ul style="list-style-type: none"> • PIUs: from project preparation until project completion • consultants: from project preparation until project completion • fieldworkers: during project implementation - mainly during the surveys field data collection phases of SIHBS and SIBES. 	<ul style="list-style-type: none"> • PIU: approx. 5 consultants • field staff:
Primary supply workers <ul style="list-style-type: none"> • Workers engaged by primary suppliers 	<ul style="list-style-type: none"> • They are most likely to be local workers. 	<ul style="list-style-type: none"> • project implementation. 	<ul style="list-style-type: none"> • The primary supply workers will be identified during the project implementation stage.
Community workers	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Not applicable

II. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

9. **Project activities.** The project may finance the purchase of IT equipment, including printers, photo copiers, desktops, laptops, and tablets. As currently designed, the project has no intent to finance civil works, including repair or rehabilitation of offices. The project could have positive impacts (through collection of data to inform Government) on vulnerable groups and reduction in discrimination by helping to capture data and focus Government attention on vulnerable groups and indigenous peoples and address exclusion or discrimination. All potential E&S impacts will be assessed under ESS1, including risks of exclusion, GBV and labor management. Stakeholder Engagement Plan and Labor Management Procedures are the E&S instruments that will be prepared by the client before appraisal. To ensure full inclusion of vulnerable groups in the project area, project data collection, documentation and analysis should cater for coverage of disadvantaged and vulnerable households. To mitigate against fieldwork exclusion of some administrative areas due to partial or complete deterioration of security a flexible sample design that will

allow inclusion and exclusion of specific areas from the sample depending on a security assessment will be used by the implementing agency

10. **Key labor risks.** Potential risks are those related to labor and working conditions, such as work-related discrimination, GBV and OHS and security risks. The client will assess and address this by developing recruitment guidelines procedures and appropriate OHS measures and guidelines for fieldwork assignments. The client will prepare an LMP and relevant mitigation measures to address such risks will be incorporated into procurement documents. The LMP will include an estimate of the project workers (enumerators and others) expected to be involved in the project and a well-functioning and easily accessible grievance mechanism for project workers. The following are key labor risks expected during the implementation of the project:

- **Occupational health and safety (OHS) risks:** With the hot and dry climate being experienced in Somalia, heat-related injuries such as heat stroke and heat exhaustion also pose a risk to the field workers.
- **Sexual harassment, exploitation and abuse.** Given the context, sexual harassment, exploitation and abuse of co-workers and survey respondents is a risk. Thus, all staff and contracted workers should sign a code of conduct outlining expected standard of behavior in this regard and attend an awareness session on the same including the consequences of such actions.
- **Child labor:** Somalia is within top 10 countries of the world with highest child labor risks. Close to 40 per cent of all children under 15 of age are put to work in Somalia, where they engage in the worst form of child labor, according to the UNHCR¹. Suppliers may tend to use children for economic reasons and convenience. The forced labor risks are less likely as the project will recruit skilled field staff with post-secondary school academic qualification for the data collection workers.
- **Labor disputes over terms and conditions of employment.** Labor disputes are common in Somalia. Likely causes for labor disputes include demand for limited employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. In turn, there is also a risk that employers may retaliate workers for demanding legitimate working conditions, or raising concerns regarding unsafe or

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

unhealthy work situations, or any grievances raised, and such situations could lead to labor unrest.

- **Discrimination and exclusion of vulnerable groups.** While unemployment and underemployment are widespread in Somalia, if unmitigated, vulnerable groups of people may be subject to increased risk of exclusion from employment opportunities under the project. Such groups will include women, IDPs and persons with disabilities. Sexual harassment and other forms of abusive behavior by workers will also have the potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities, while adversely affecting project performance.
- **Security risks.** With Al-Shabaab still in control of parts of the country and their attacks frequently targeting government and other strategic infrastructure and persons in urban areas, the security risk for the project workers is substantial.

III. BRIEF OVERVIEW OF LABOR LEGISLATION

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

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

12. **Overview of Somalia's national labor code.** The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for labor issues. Labor Code² of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and condition, remuneration, and

² The Labor Code is in the review process with support from ILO. The revised draft Labor Code was agreed and adopted in February 2019 by representatives from various ministries of the Federal Government of Somalia, all Federal Member States, employers, workers, and academia. The Federal Ministry of Labour could not predict the likely timeframe for the Parliamentary approval, and advised that the existing Labour Code (1972) shall continue to be applicable until revised code becomes the law. Consultation with both State's Labour Ministries also have confirmed that they follow the national Labour Code in administration of labour matters in their States.

occupational health and safety, trade unions and labor authorities. The provisions of the Labour Code apply to all employers and employees in all project areas. The Labour Code is applicable to all project workers. The Labour Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section III on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law Number 11).

13. **Terms and Conditions.** Below is the list of relevant provisions of the Labour Code with regard to terms and conditions of work.

1) Content of individual contract of employment (Article 46)

- Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract.

2) Notice for termination of contract (Article 50)

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:
 - (a) Not less than ten days in the case of manual workers;
 - (b) Not less than 30 days in the case of non-manual workers:Provided that no notice need be given in case the duration of contract does not exceed one month.

3) Minimum wages (Article 72)

- Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labour Commission, and with the approval of the Council of Secretaries.

4) Hours of work (Article 85, 86)

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.

5) Weekly rest (Article 96)

- Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
 - Workers shall also be entitled to a rest day on public holidays recognized as such by the State.
- 6) Annual leave (Article 97)
- Workers shall be entitled to 15 days' leave with pay for every year of continuous service.
 - An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- 7) Fringe benefits (Article 73)
- Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.
- 8) Deductions from remuneration (Article 82)
- No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labour agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.
- 9) Death benefit (Article 53)
- In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.
- 10) Expecting and nursing mothers (Article 91)
- A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
- 11) Nursing breaks (Article 92)
- A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

14. **Occupational Health and Safety (OHS).** The Labour Code³ covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labour Code with regard to OHS.

1) Protection against possible risks (Article 101)

- All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:
 - a) Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health
 - b) Take suitable measures to prevent contamination of work-places from toxic gases, vapours, dust, fumes, mists and other emanations;
 - c) Provide sufficient and suitable toilet and washing facilities, separate from men and women workers;
 - d) Provide an adequate supply of drinking water easily accessible to all workers;
 - e) Maintain fire-fighting appliances and staff trained in their use;
 - f) Provide the necessary safety appliance adapted machinery and plant;
 - g) Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
 - h) provide suitable installations for the removal of refuse and drainage of residual waters;
 - i) take the necessary precautions in his establishment to protect the life, health and morality of the workers;
 - j) ensure that his staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
 - k) post up in conspicuous parts of the workplaces notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
 - l) supply the workers with the apparatus and instruments to guard against the risks inherent in the work;
 - m) take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

³ The Revised Draft Somalia Labour Code has more emphasis on occupational health and safety requirements. It makes the Director of Occupational Safety and Health (OSH) responsible for the registration of hazards and risks, regulation and supervision of all workplaces and monitoring or enforcing compliance with Labour Code and any other labour law to the extent that they regulate safety, health and welfare in the workplaces. Part VI of the Revised Draft Labour Code covers the administration of occupational accidents, injury and disease provisions at work place, employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses and penalties etc.

- 2) Notification of industrial accidents and occupational diseases (Article 102)
 - The employer shall immediately notify the competent labour inspectorate of all accidents resulting in injury of death and occupational diseases.
- 3) Medical facilities (Article 103)
 - Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.
- 4) Conveyance of injured and sick workers (Article 104)
 - It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

15. **Non-discrimination and equal opportunities.** Somalia's Provisional Constitution provides that *“all workers, particularly women, have a special right of protection from sexual abuse, segregation and discrimination in the work place. Every labour law and practice shall comply with gender equality in the work place”* (Article 24-5). The following is the relevant provisions in the Labor Code:

- 1) Expecting and nursing mothers (Article 91)
 - No woman worker shall be discharged during a period of pregnancy, as duly confirmed by a medical certificate, until the end of the period of leave mentioned in the next succeeding paragraph or until the child is 1-year-old, provided that this rule shall not apply to the following cases:
 - (a) The cessation of the activity of the undertaking in which the woman worker is employed;
 - (b) The completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.

16. **Child labor and forced labor.** Below is the list of provisions of Labour Code with regard to child labor and forced labor.

Child Labor

- 1) Prohibited work (Article 90)
 - The term “children” means persons of either sex who have not attained the age of 15 years and the term “young persons” means those who have attained the age of 15 years but have not attained the aged of 18 years.
 - Where the age is uncertain, medical opinion shall be obtained.
- 2) Unlawful to employ children (Article 93)

- It shall be unlawful to employ children under the age of 15 years, provided that this restriction as to age shall not apply to:
 - (a) Pupils attending public and state-supervised trade schools or non-profit-making training workshops;
 - (b) Members of the employer's family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.
- 3) Minimum age for certain types of work (Article 94)
- The minimum age for employment on a vessel as a trimmer or stoker or on underground work in quarries or mines shall be 18 years, provided that the minimum age for any other employment on a vessel (including a fishing vessel) shall be 15 years;
 - Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance or repair of buildings.
- 4) Medical examination (Article 95)
- Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on which they are to be employed. Thereafter the employer shall arrange for a medical examination once a year for children and young persons until they reach the age of 18 years.
 - Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
 - Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

Forced Labor

- 1) Freedom of labour (Article 6)
- Forced or compulsory labour is forbidden in any form.

17. **Worker's organizations.** Below is the list of provisions of Labour Code with regard to worker's organizations.

- 1) Organization and purpose (Trade Unions) (Article 9 and 10)
- The organization of labour unions shall be free.
 - Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
 - Every person is free to join a trade union within the framework of his occupation.

- A trade union shall be established by a notorial act. It shall have a minimum of 50 members.
- 2) Freedom of association (Article 15)
- It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to
 - (a) Make the employment of a worker subject to the condition that he shall not join a labour union or shall relinquish trade union membership;
 - (b) Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.
 - It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labour union.
- 3) Rights of trade union (Article 25)
- A trade union shall have the rights to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal actions arising out of such contracts or based on the law.

IV. BRIEF OVERVIEW OF LABOR INSTITUTIONAL FRAMEWORK

18. The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks. Currently, there are 160-170 staff at federal level, but there is no clear job assignment and distribution of roles and responsibilities. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While 5 States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection. While the new government established under the new Provisional Constitution is still nascent, there is significant gap⁴ in the implementation of the Labour Code. Below is the list of relevant provisions of the Labour Code on the institutional arrangements of labor authorities.

- 1) Central labor authority (Article 106)
- The Ministry shall be the Central Labour Authority for the purposes of the Code.
 - The Central Labour Authority, through the Labour Department, shall ensure compliance with the provisions of this Code.
 - The Head of the Labour Department shall have the rank of Central Labour Inspector.
- 2) District labor inspectorates (Article 107)

⁴ The ILO is supporting the government in developing capacity of the MOLSA, Labor Ministries of Federal Member States and labor partners (Employers and Workers) for effective implementation of Labour Code.

- A district labor inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of district labour inspector who shall be appointed by the Secretary.
- 3) Duties of district labour inspectors (Article 108)
 - The district labour inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and conciliate in labour disputes falling within his competence.
 - 4) Power of inspectors (Article 110)
 - The Central Labour Inspector and district labour inspector shall have the power to
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
 - b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
 - c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.
 - 5) Individual labor disputes (Article 134)
 - An individual labour dispute shall be submitted by any of the parties to the competent district labour inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.
 - 6) Collective labor disputes (Article 135, 136, 137)
 - A collective labour dispute arising at the district, firm or factory level shall be submitted to the competent district labour inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

V. RESPONSIBLE STAFF

19. **The Project Implementation Units (PIUs).** PIUs will be responsible for overall project management and coordination, including the compliance with safeguards requirements including on labor and working condition. The PIU will engage with consultant(s) with expertise in environmental, social, occupational health and safety issues. The PIUs will be responsible for the following tasks relevant to labor and working conditions:

- 1) Undertake the overall implementation of this LMP.

- 2) Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents.
- 3) Monitor that field supervisors are meeting obligations towards enumerators as included in the LMP and the applicable Procurement Documents.
- 4) Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
- 5) Monitor training of relevant project workers.
- 6) Ensure that the grievance mechanism for project workers is established and implemented and that workers are informed of it.
- 7) Monitoring the implementation of the Worker Code of Conduct.
- 8) Report to the World Bank on labor and occupational health and safety performance.

20. **Consultant.** The PIUs assign a member to be responsible for monitoring the project and adherence to the safeguard instruments. They will oversee the performance on labor and working conditions on a daily basis on behalf of the PIU. The Consultant will employ qualified expert(s) for such oversight and report on performance to the PIU.

21. **The designated member** will be responsible for the following:

- 1) Supervise their workers' adherence to the LMP.
- 2) Maintain records of recruitment and employment of contracted workers (including subcontractors).
- 3) Provide induction and regular training to contracted workers on environmental, social and occupational health and safety issues.
- 4) Require the primary supplier to identify and address risks of child labor, forced labor and serious safety issues.
- 5) Develop and implement the grievance mechanism for contracted workers, including ensuring that grievances received from their contracted workers resolved promptly, and reporting the status of grievances and resolutions.
- 6) Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works and supervise compliance with the Code.
- 7) Report to PIU on labor and occupational health and safety performance.

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

Responsibility area	Direct workers	Primary supply workers
Hiring and managing individual project workers	<ul style="list-style-type: none"> • MoPIED to engage/manage PIU consultants • PIU to engage/manage Engineering and Supervision consultants 	n/a (outside the scope of ESS2)
OHS	n/a (direct workers will follow OHS measures when visiting construction sites)	<ul style="list-style-type: none"> • primary supplier to adhere to child labor guidelines. • PIU/ consultants to review
Child labor and forced labor	n/a (the contract for direct workers does not allow child labor and forced labor)	
Training	PIU/ consultants	n/a (outside the scope of ESS2)
Code of conduct	n/a (the contract for direct workers will address relevant risks.)	
Grievance mechanism	PIU/ consultants	
Monitoring and reporting	PIU/ consultants to monitor and report World Bank	consultant to monitor and report to PIU <ul style="list-style-type: none"> • PIU/ consultant to monitor and report to World Bank.

VI. POLICIES AND PROCEDURES

23. The project will apply the following policies and procedures to address the key labor risks identified under the section II. The summary of indicative procedures to implement the polices is presented in the following table.

- **Occupational health and safety (OHS).** Pursuant to the relevant provisions of the national Labour Code (Articles 101-104), ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs)), and WB standard procurement documents, MoPIED will manage the project in such a way that the workers and the community are properly protected against possible OHS risks. Key elements of OHS measures should include (a) identification of potential hazards to workers; (b) provision of preventive and protective measures; (c) training of workers and maintenance of training records; (d) documentation and reporting of occupational accidents and incidents; (e) emergency preparedness; and (f) remedies for occupational injuries and fatalities.
- **Child labor.** The minimum age of project workers for the project is set at 18. To prevent engagement of under-aged labor, all contracts shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance. MoPIED is required to

maintain labor registry of all contracted workers with age verification. More details are provided in Section VII.

- **Labor influx.** To minimize the labor influx, the project will contractually require the MoPIED to preferentially recruit unskilled labor from the local communities and nearby areas. All contracted workers will be required to sign the code of conduct (see Annex 1 on the Guideline on Code of Conduct) prior to the commencement of work, which includes a provision to address the risk of Gender Based Violence (GBV).
- **Labor disputes over terms and conditions of employment.** To avoid labor disputes, fair terms and conditions will be applied for project workers (more details are provided in Section VIII). The project will also have grievance mechanisms for project workers (direct workers and contracted workers) in place to promptly address their workplace grievances (more details are provided in Section IX). Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the national Labour Code.
- **Discrimination and exclusion of vulnerable groups.** The employment of project workers under project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the national Labour Code on gender equality in the work place, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate from men and women workers.
- **Security risks.** Considering substantial security risks in some parts of the country, the project will take appropriate but proportionate security measures to minimize the potential risk to the workers. Key security measures will include security protection by security personnel (such as by district police) to prevent terrorist attacks; restrictions on work hours where security risks are higher (such as night time); and measures to maintain low profile of workers. More detailed measures should be arranged with close consultation with relevant security authorities.
- **Sexual harassment, exploitation and abuse.** Given the context, sexual harassment, exploitation and abuse of co-workers and survey respondents is a risk. Thus, all staff and contracted workers should sign a code of conduct outlining expected standard of behavior in this regard and attend an awareness session on the same including the consequences of such actions.

24. **Monitoring and reporting.** The PIU shall report on the status of implementation of the above policies and procedures on a monthly basis. The PIU will closely monitor labor and occupational health and safety performance of the project and report to the World Bank on a quarterly basis (see Section X for more details).

25. **Fatality and serious incidents.** In the event of an occupational fatality or serious injury, the PIU shall report to the Bank as soon as becoming aware of such incidents, and inform the government authorities (where available) in accordance with national reporting requirements (Labour Code Article 102). Corrective actions shall be implemented in response to project-related incidents or accidents. The PIU or, where relevant the consultant, may conduct a root cause analysis for designing and implementing further corrective actions.

VII. AGE OF EMPLOYMENT

26. **Minimum age.** As presented above, the national Labour Code (Article 94) provides that the minimum age for employment on underground work in quarries or mines shall be 18 years. While the national Labour Code allows persons under 18 and over 15 to engage with work with non-hazardous nature, it is appropriate for the project to take a precautionary approach, considering the limited capacity for monitoring and risk management in the fragile operational environment and inadequate national labor inspection mechanism.

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

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

VIII. TERMS AND CONDITIONS

28. **Direct workers.** The terms and conditions for direct workers in PIU, field staff, enumerators and the consultants will be governed by the Standard World Bank Consultancy contracts. Enumerators who are normally short-term will not have maternity or annual leave etc. Their terms and conditions will be based on a specific assignment to complete interview for a number of households within a certain period at a pay rate per day or household etc. These terms and conditions should be discussed at recruitment and before training commences.

29. **Contracted workers.** Labour Code of Somalia presented in Section III (Overview of Labor Legislation) above is the guiding legislation on employment terms and conditions for contracted workers. The Federal Ministry of Labor in Mogadishu have confirmed that they generally follow provisions of Labour Code for all matters related to labour engagements and management. Below are key components⁵ of the terms and conditions that should be applied to contracted workers under the project⁶.

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

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

33. **Minimum Wages.** While the mechanism to set the official minimum wage by the presidential decree (Labour Code, Article 72) is not currently functioning, the market rate is available for each job type in different locality. The fair market rate will be identified and applied for project workers.

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

⁵ While there are other provisions applicable to labor engagement in Labour Code (for example, "fringe benefit" under Article 73), the applicability of such provisions will be reviewed during the contracting stage, when the approach to work implementation is better understood.

⁶ It should be noted that some provisions (such as annual leave) will not be applicable to short-term unskilled contracted workers.

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

36. **Annual leave.** Workers shall be entitled to 15 days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

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

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

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

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

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

42. **Collective Agreements.** A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the

representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such agreements will be applied, where relevant.

IX. GRIEVANCE MECHANISM

43. **General principles.**, Typical work place grievances include demand for employment opportunities; labor wages rates and delays of payment; disagreement over working conditions; and health and safety concerns in work environment. Therefore, a separate grievance mechanism will be established for project workers (direct workers and contracted workers), as required in ESS2. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential.

44. **Direct workers.**, The project will have a compact but effective grievance system for direct workers. Each unit engaging direct workers (PIU, field staff, enumerators and the consultants) will hold periodic team meetings to discuss any workplace concerns. The grievance raised by workers will be recorded with the actions taken by each unit. The summary of grievance cases will be reported to the World Bank as part of the regular report. Where the aggrieved direct worker wishes to escalate their issue or raise their concerns anonymously and/or to a person other than their immediate supervisor/hiring unit, the worker may raise the issue with the World Bank task team. Where the consultant has an existing grievance system, their direct workers should use such mechanism.

45. **National appeal process.** As per the national Labour Code (Article 134), any individual labour dispute can be submitted by any of the parties to the competent district labour inspector for conciliation, where such labour inspector is available. The inspector is mandated to attempt to settle the dispute within 14 days of its submission.

46. **Grievances related to Gender Based Violence (GBV).** To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the grievance mechanism shall have a different and sensitive approach to GBV related cases. Where such a case is reported, it should immediately be referred to the appropriate service providers, such as law enforcement, medical and psychological support, emergency accommodation, and any other necessary services. Data on GBV cases should not be collected through the grievance mechanism unless operators have been trained on the empathetic, non-judgmental and confidential collection of these complaints. Only the nature of the

complaint (what the complainant says in her/his own words) and additional demographic data, such as age and gender, can be collected as usual.

X. PRIMARY SUPPLY WORKERS

47. **Selection of primary suppliers.** When sourcing for primary suppliers, the project will require such suppliers to identify the risk of child labor/force labor and serious safety risks. The PIU and the consultants will review and approve the purchase of primary supplies from the suppliers following such risk identification/assessment. Where appropriate, the project will be required to include specific requirements on child labor/forced labor and work safety issues in all purchase orders and contracts with primary suppliers.

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

ANNEX 1

Guideline on Code of Conduct

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