1. INTRODUCTION

1.1 Project Background

1. The Rural Economy Development Project (REDP), being a part of the Resilience Strengthening Program (RSP), is included in the upcoming World Bank Country Partnership Framework for the Republic of Tajikistan for the period FY19-23. It is expected to contribute to the Risk Mitigation Regime’s (RMR) higher-level objectives of strengthening resilience, defined as a person’s, community’s and/or country’s capacity to adjust or respond to, and recover from, difficulties, adverse impacts, and/or exogenous shocks, reducing perceptions of exclusion, and preventing fragility risks. The project targets Khatlon and Gorno-Badakhshan Autonomous Oblast (GBAO) regions of Tajikistan, which have the highest levels of absolute and relative poverty measures, respectively, and which face fragility risks due to the proximity to unstable parts of Afghanistan, large youth populations, disparities in service delivery outcomes, and legacies of violent conflicts. The project recognizes the significance of, and adopts the World Bank’s Environmental and Social Standards, for identifying and assessing as well as managing the environmental and social (E&S) risks and impacts associated with this investment project. The reviews undertaken by the Bank has classified environmental and social risks as moderate and substantial respectively. As a response, Government of Tajikistan/ Ministry of Finance (MoF), implementing agency, has developed several key instruments to address the same. One of them is the Labor Management Procedures (LMP).

1.2 About the Project

2. The development objective is to improve the sources of livelihood for local populations in GBAO and Khatlon through tourism and agribusiness. The project has four components. Three components finance activities to support agribusiness, community-based tourism, and related services, and one component finances project implementation. Component 1 funds public investment in infrastructure at cultural sites and grants to communities to improve small local agribusiness and tourism infrastructure. Component 2 funds matching grants to farmers and MSMEs in tourism, agribusiness, and related sectors. Component 3 funds technical assistance to public agencies, service providers, and operators in tourism, agriculture, and related sectors. Component 4 funds the Project Implementation Unit and a grant management company that will design and implement all grants and matching grants funded by the project.

3. The Project areas include all districts of Khatlon region (25) and GBAO region (7). All 32 districts will benefit from district level grants on public infrastructure under Component 1. Under
component 2 matching grants will be customized for the type of beneficiary, so that number of beneficiaries, selection criteria, size, percentage of matching contribution, number of calls, and the process of reporting results, will be customized for each scheme. Estimated cost of grants will range from USD$10,000 for individuals to US$50,000 for business entities. The sectoral interventions are designed to target the most at-risk groups, both directly and indirectly. Vulnerable groups such as women, youth, and returning migrants will benefit directly from business development grants and capacity building activities, at the same time they will be indirect beneficiaries of the public infrastructure investments within Components 1 and 2, as well as the rest of the general population in GBAO and Khatlon from the expected improvements to the overall economic conditions.

1.3 Environmental and Social Aspects

4. This project addresses the environmental and social aspects through the World Bank’s Environmental and Social Standards (ESS) approach/framework. One of the Standard-ESS 2-relates to Labor and Working Conditions and expects the Borrowers to develop labor management procedures (LMP). The LMP enables identify main labor requirements and risks associated with it, and help the Borrower to determine the resources necessary to address labor issues. 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. Accordingly, this document details out the type of workers likely to be deployed by the project and the management thereof.

1.4 Scope and Structure of the LMP

5. Scope of the LMP shall be as outlined in the World Bank’s ESS 2. The engagement will be planned as an integral part of the project’s environmental and social assessment and project design and implementation. This report has 10 chapters. This chapter viz., Chapter 1 served as Introduction. An overview of labor use in the project is presented in Chapter 2. Key potential labor risks are listed in Chapter 3. Legislative Framework governing labor employment in Tajikistan and a gap analysis with that of the World Bank’s ESS 2 is discussed in Chapter 4. Implementation Arrangements, Age Requirement, Policies and Procedures and Timing of labor requirements follows in the subsequent chapters. Grievance Redressal Mechanism and Contractor Management are presented in the last two chapters 9 and 10 respectively.
2. OVERVIEW OF LABOR USE IN THE PROJECT

2.1 Type of Workers

6. ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The Concept Stage ESRS envisaged that project could encompass the following categories of workers: direct workers, contracted workers, community workers, and primary supply workers. However, as the designing of the project unfurled, it is clear that community workers and primary supply workers are not relevant. The former is due to all resources/contracts to be exclusively managed by direct workers. Communities will have no role in procurement and management of any contracts; though, community members are expected to be employed as community labor, which will be governed by the Contractors Management Plans. About Primary supply workers, project does not, on an ongoing basis, seek directly goods or materials essential for the core functions of the project. Thus, only two categories of workers are expected. One, Direct workers who could be either government civil servants or those deployed as ‘technical consultants’ by the project. The former will be governed by a set of civil services code, the latter by mutually agreed contracts. And contract workers will be employed as deemed appropriate by contractors, sub-contractors, and other intermediaries, details of which will be known as and when activities’ implementation begins.

7. Direct workers. The project will be implemented by the Project Implementation Unit under the Ministry of Finance (MoF PIU). Apart from the PIU at the national level, it is expected to have two regional coordinators, one in each of the two project regions. The Project Implementation Group (PIG) will also be established at the Tourism Development Committee (TDC). According to the Law of the Republic of Tajikistan on Public Service dated March 05, 2007, the PIU/PIG staff are not public servants, as they are hired on contract basis for the implementation of a wide range of development projects.

8. Contracted Workers. Three broad categories of contracted workers are expected. First is Grant Management Company, which will provide technical support to project implementing agencies on grant implementation. Second is business development service providers (the so called “Enablers”) who will provide social intermediation as well as implementation support services to the PIU. Third is the staff of civil works contractors to be subcontracted to arrange for civil works under the subprojects.

2.2 Number of Project Workers

9. Direct Workers. Total number of PIU/PIG employees, dedicated to this project, could be around twenty.

10. Contracted Workers. The precise number of project contracted workers who will be employed are not known as of now. This will become known as and when implementation begins. The grant manager will select business development providers (so called “enablers”): 1) 1-2 enablers for the public investment grants destined to the communities which want to improve touristic assets and improve public markets; 2) 1-4 enablers to advise the tourism and agribusiness
MSMEs who will apply and be successful in the matching grant calls, and 3) 1-2 enablers to providing assistance to the applicants to the start-up competitions. These enablers can consist of recognized international or local organizations that have experience in providing technical assistance in the agribusiness and tourism fields in Tajikistan. It is quite likely that, around four Enablers will be enlisted, one each for the components and for each of the regions. Thus, four Enablers, in all, may have around 200 workers.

11. **Civil Works Contractors and Workers.** The project will support small and medium size of subproject investments which contracts ranging from US$50,000 for public infrastructures to US$4,000,000 for historical sites. The estimated number of small subprojects related to civil works could be around 60. The number of medium subprojects is estimated at 4. The number of workers expected to be associated with each of the small subprojects is estimated at 15, and with the medium subprojects is up to 200. Thus, the total number of civil works contract workers is around 1,600.

2.3 Workforce Characteristics

12. Given the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of the labor force market in Tajikistan, it is likely the workforce, especially the lower-skilled workers, will be predominantly male. Female workers are expected to be employed by Enablers and MoF PIU/TDC PIG. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers. The project proposes some medium-scale operations which could be community based while others might involve higher technologies (for example cold storage) and be in the hands of private operators. All the works will be contracted out. Provisions will be made to train and hire as many as possible from local communities where the activities are taking place.

2.4 Timing of Labour Requirements

13. The direct workers and Grant Manager workers will be required full time and around the year for the project duration. Enabler contacted workers will be required part time and around the year for the grant program duration. Civil works contracted workers will be required, as per the need. Construction season typically lasts from April to October but can be somewhat longer or shorter depending on the weather conditions. So, it will be up to the contractors to mobilize labor force to coincide with the type of works and the season.
3. POTENTIAL LABOR RISKS

Given the small- and medium-scale investments, no major risks are envisaged.

14. **Labor risks associated with contracted workers at subproject level.** Subprojects will be implemented by local contractors and most contracted workers will be hired locally with the exception of a few skilled workers. All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2, in particular about child and forced labor.

Labor risks including labor influx and associated GBV, and child labor are considered low given the small size of subproject investments (grant ceiling is $50k) and the MoF PIU’s adherence to the national labor code which also prohibits child and forced labor (Article 8, Labor Code). The medium size subproject investments (rehabilitation range from $340K to $4mln) will be contracted out and the MoF PIU will supervise the contracts and the contractors will be required in the contract to commit against the use of child/ forced labor, and MoF PIU staff in charge of contractor supervision will monitor and report the absence of child/ forced labor.

15. **Occupational Health and Safety (OHS) risks** are low to moderate and will depend on the type of subproject works to be implemented. The risks are considered low to moderate because the local contract workers are likely to be unskilled. All contractors will be required to follow these labor management procedures, provisions of which are stated in their contracts, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required under the ESMP to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project ESMF.

16. **Employment Risks.** Workers will be hired by the PIU at the MoF, by PIG at the TDC, either directly as PIU staff or indirectly as part of contracts with NGOs, Enablers or service providers. The experience with the WB-funded Second Phase of the Central Asia Road Links Program shows that the civil works subcontractors do practice employment contracting and official payrolls to their workers, as they are obliged to follow all legal and regulatory labour and accounting procedures under the GOT executed Loans/Grants. There is a risk that the current practice of unaccounted working hours and lack of compensation for overtime will continue. According to the leadership, the MoF PIU relies on the donor-funded projects and has approved budgets per project, and cannot exceed the budget ceilings. The MoF PIU will track the staff working hours by completing the timesheets and restricting overtimes.

17. **Geography and terrain risks.** Given the mountainous terrain, poor transportation and difficulty in accesses, punctuality in terms of time and labor productivity at times could be below expectations. Attending to accidents and emergencies could also be an issue. Adequate safety measures will be employed in line with the ESMF.
4. BRIEF OVERVIEW OF LABOR LEGISLATION

4.1. National Legislation

18. The Constitution of the Republic of Tajikistan (adopted on November 6, 1994) includes legal provisions on labour conditions and occupational safety. It provides everyone the right to:

- **Safe labour.** The use of the labour of women and young persons in hazardous and underground work as well as work in hazardous labour 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).

19. Labor Code of the Republic of Tajikistan (dated July 26, 2016) is the fundamental legislative act aimed at regulating all labor issues arising in the Republic of Tajikistan. This Code governs employment relationships and other relations, directly related, directed to protection of the rights and freedoms of the parties of employment relationships, establishment of the minimum guarantees of the rights and freedoms in the sphere of work. Article 7 of the Code prohibits discrimination and guarantees that all citizens have equal rights to work; discrimination in labor relations is prohibited. Any differences, non-admission or preference, denial of employment, regardless of nationality, race, gender, language, religion, political beliefs, social status, education, property, leading to a violation of equality of opportunities in the field of labor, are prohibited.

4.1.1 Relevant Labor Legal Provisions

20. Forced labor and child labor. Article 8 of the 2016 Labor Code prohibits forced labor. The Code also sets 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 employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds (Article 174). In addition, there are some restrictions on what type of work can be done by workers under the age of 18, and what hours of work are permissible. Examples of labor restrictions include that those between 14 and 15 cannot work more than 24 hours per week while those under 18 cannot work more than 35 hours per week; during the academic year, the maximum number of hours is half of this, 12 and 17.5 hours, respectively.

21. Wages and deductions. Contracts and collective agreements establish the form and amount of compensation for work performed. The Government establishes a minimum wage, which is called a “social norm” (Article 103), and this can be adjusted by an index based on discipline and possibly other factors. Work in desert, other arid (“anhydrous”) areas, and mountainous areas is subject to additional compensation.

22. Employers are obligated to pay workers at least once per month (Article 108). If payment is not paid as specified in the contract and this is the fault of the employer, the employer must then
pay “…additional cash according to the bank discount rate for each day of delay” (Article 108).
Employers also must pay for work-related damage to health or property, and families are compensated in case of death. Deductions are allowed for specific reasons, but may not exceed 50 percent of the amount owed to the employee, and payment after deductions may not be less than the minimum rate determined by the government (Article 109).

23. **Women.** Article 162 prohibits overtime, weekend work, and business trips for women who are pregnant or who have children under three years of age. For women with children between three and 14 years of age, overtime and business trips are allowed, but only if the woman agrees. Other gender-specific provisions are described in relevant subsections.

24. **Working hours.** The standard work week is 40 hours, with less allowed for those under 18. The number of hours per day, and days per week, is established in the contract/agreement between the employer and employee. Employers must provide up to two hours of unpaid time off each workday for “rest and catering”, and also paid time off in case time is needed to cool off, to warm up, or to breastfeed children. Details of time off are established in contracts/agreements.

25. **Leave.** In addition to national holidays, employees have to receive at least 24 days of paid leave per year, with workers under 18 years of age receiving at least 30 days and disabled employees receiving 30 days. In addition, those who work in unhealthy and unfavorable working conditions receive an additional seven days and those who work in unfavorable climate conditions receive an additional eight days.

26. Leave without pay may also be taken by certain groups of people and may also be covered in contracts. At termination of employment, employees are paid for unused leave, or they may use the leave as their last days of employment.

27. **Women.** Article 162 provides maternity leave for up to 70 calendar days, or 86 days in case of complicated labors, and then are provided 100 days leave after giving birth 100 days, with benefits paid from the state social insurance. Maternity leave is calculated in total and is paid in a lump sum, regardless of the actual number of days off before giving birth. After giving birth, a mother may take additional leave until the child is six months old, again paid by social insurance. She may take unpaid leave until the child is three years of age. Her position is guaranteed upon her return from all these types of leave. In addition, this “baby-minding” leave can be used by the father, grandparents, or other relatives/trustees if they are actually responsible for child care.

28. **Overtime work.** Overtime can be required up to 12 hours per day and is paid with compensatory time or at a rate at least double the normal rate. Night work is paid at 1.5 times the normal rate. Conditions for overtime work are determined in the contract.

29. **Labor disputes.** Labor disputes are considered to be “unregulated discrepancies between the employer and employee on the issues of application of legislative and other normative actions on labour of the Republic of Tajikistan and working conditions provided by labour agreement (contract) and collective agreement and contracts” (Article 189). Disputes may be adjudicated by commissions that are created “on a par with employer and agencies representing the interests of employees,…” (that is, with equal representation of employee/employees and employer), if such
commissions are provided for in labor agreements/contracts (Article 191). Commissions must consider issues within 10 days. If the employer, employee, or their representatives disagree with decisions by a commission, or if the commission does not consider applications within 10 days, any of the parties may appeal to the courts, but that must be within 10 days of the decision (or no-decision). In addition, the public prosecutor may appeal if the decision is contrary to law “or other normative actions” (Article 192).

30. Appeals to the commission or the court must be made within a limited period of time after the event that triggered the dispute: within three months for appeals to a commission and for varying periods for appeals to the court, depending on the nature of the dispute (unlimited for non-property rights and for indemnification for damages to life or health). Employees are exempted from having to pay court costs in such cases.

31. In comparison to individual disputes, collective disputes are “unregulated discrepancies between employers (employers’ unions) and collective of employees (employees’ representatives) on establishment and changing of working conditions in enterprises, signing and implementation of collective agreements and contracts, and also on issues of applying conditions of legislative and other normative and legal actions, collective agreements and contracts.” Mediators are selected by agreement of the parties (that is, the union and the employer’s representatives). If this does not result in agreement, a “labor arbitration” is created by the parties “with the collaboration of district’s or city’s government” (Article 209), with the parties selecting the members and chairperson of the arbitration. The arbitration has 10 days to make a decision. If agreement cannot be reached, it is referred to the labor collective or trade union, which can use all means of the law to resolve the issue, including strikes. If disputes concern the application of legislative “and other normative actions”, they may be referred to the court by one of the parties.

32. Grievances. Law on Appeals of Individuals and Legal Entities (from July 23, 2016) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 14 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study.

4.1.2 Occupational Health and Safety Legal Provisions

33. Occupational health and safety is also governed by the Labor Code. Section 5 of the Law narrates the roles and responsibilities of employers and employees related to occupational health and labour safety. The law requires employers to:

- Be responsible for ensuring safe working conditions and safety of work at every workplace;
- Apply the means to protect workers individually and collectively (including protective clothing and equipment);
- Provide appropriate work and rest regimes;
- Training workers in their jobs and safe methods of work;
- Provide instructions on labor protection;
- Test and verify the knowledge of workers in working safely;
• Provide certifications of workplaces at least every five years;
• Investigate accidents;
• Provide sanitation and medical services;
• Provide access to premises by state officials; and
• Providing social insurance for accidents and diseases.

34. Employees, on the other hand, are required to pass initial and periodic tests medical examinations, pass training and periodic checks of their knowledge of their jobs and safety requirements, and to carry out medical and health measures that are prescribed by medical institution if paid by employer.

35. Not only state officials have the right to inspect premises to verify safety conditions. In addition, trade unions “and other representative bodies” also may “freely check” compliance with labor protection requirements and propose measures to eliminate violations, which must be considered by the Employer.

36. Employers with over 50 employees must establish a Labor Protective Service. This requirement is met by the MoF PIU, and will be one of the requirements for civil works contractors with over 50 workers.

37. The law gives workers the right to refuse to undertake work that violates labor protection requirements. In addition, workers engaged in hazardous working conditions are entitled to free medical and preventative care, additional paid leave and other benefits and compensation. In case of disability or death, employers must provide compensation in multiples of average annual earnings as well as other amounts required by law.

4.2 The World Bank Environmental and Social Standards: ESS 2

38. The World Bank’s stipulations related to labor are outlined in its ESS Standard-ESS2. This helps the Borrowers in promoting sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. Key objectives of the ESS 2 are to:

• Promote safety and health at work;
• Promote the fair treatment, nondiscrimination and equal opportunity of project workers;
• protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
• Prevent the use of all forms of forced labor and child labor;
• Support the principles of freedom of association and collective bargaining of project workers;
  in a manner consistent with national law; and
• Provide project workers with accessible means to raise workplace concerns.

39. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing
public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.

40. Working conditions and management of worker relationships. The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers.

41. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.


### 4.3 Policy Gap

#### Summary of World Bank Requirements and Key Gaps with Tajikistan Legal Requirements

<table>
<thead>
<tr>
<th>ESS &amp; Topic</th>
<th>Major WB requirements</th>
<th>Key requirements/gaps in Tajikistan legal framework</th>
</tr>
</thead>
</table>
| A. Working conditions and management of labor relations | - Written labor management procedures  
- Terms and conditions of employment  
- Nondiscrimination and equal opportunity  
- Worker’s organizations  
- Elaborate Labor Management Plans including Contractor’s ESMP warranted | - Written employment contract required, including procedures and employment conditions  
- Specific nondiscrimination and equal opportunity requirements  
- No provision for Labor Management Plans. |
| B. Protecting the work force             | - Child labor prohibition  
- Forced labor prohibition                                                           | - No forced labor is allowed (requires free will)  
- Definition of child labor                                                            |
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Grievance mechanism</td>
<td>- GRM should be in place for direct and contracted workers</td>
<td>- No project specific GRM is warranted.</td>
</tr>
<tr>
<td></td>
<td>- However, it is allowed to apply to: a) conciliation commission; b) Labor Inspection under the Ministry of Labor; and c) court.</td>
<td>- Grievance registration and follow-up procedures are stated on the Law on Appeals of Individuals and Legal Entities.</td>
</tr>
<tr>
<td></td>
<td>- Grievance registration and follow-up procedures are stated on the Law on Appeals of Individuals and Legal Entities.</td>
<td></td>
</tr>
<tr>
<td>D. Occupational Health and Safety</td>
<td>- Detailed Procedure required for each and every project.</td>
<td>There is no detailed procedure specific to each and every project.</td>
</tr>
<tr>
<td></td>
<td>- Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and</td>
<td></td>
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<tr>
<td></td>
<td>- Monitor OSH performance</td>
<td></td>
</tr>
<tr>
<td>E. Category of workers</td>
<td>- Specifies these following categories of workers:</td>
<td>No reference to Community and Primary Supply Workers</td>
</tr>
<tr>
<td>F. Minimum age of workers</td>
<td>- Persons 14-18 are not allowed to be employed.</td>
<td>- Employment permissible for 15 plus age, but with guardian permission.</td>
</tr>
<tr>
<td>G. Employee assessment - procedure for determination of compliance of the worker of post (the performed work) by assessment of execution of job responsibilities, level of knowledge, skills and professional training.</td>
<td>- Not explicit</td>
<td>- explicit</td>
</tr>
<tr>
<td>H. Retraining - the form of professional training allowing to master other profession or specialty.</td>
<td>- Not explicit</td>
<td>- Explicit</td>
</tr>
<tr>
<td>I. Certification of workplaces under the terms of work - system of accounting, the analysis and complex assessment of all factors of the production circle, process of hard and intense work on specific workplace exerting impact on working capacity and health of the worker in the course of labor activity.</td>
<td>- No</td>
<td>- Explicit</td>
</tr>
</tbody>
</table>

- National State Program on Eradication of Worse Forms of Child Labour adopted
5. RESPONSIBLE STAFF

42. MoF PIU’s Director oversee and guides all the workers associated with the project. The PIU Social Development Specialist (national level) and M&E Specialist will be responsible for the following:

- Implementing these labor management procedures;
- Ensuring that contractors who are constructing the civil works prepare labor management procedures that comply with this labor management procedure, and also prepare occupational health and safety plans before mobilizing to the field, and for approving the procedures and plans before issues notices to proceed with construction works;
- Monitoring to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by Tajikistan law, the General Conditions of Contract, the Special Conditions of Contract, the World Bank Standard Bidding Documents;
- Monitoring contractors and subcontractors’ implementation of labor management procedures;
- Monitoring compliance with occupational health and safety standards at all workplaces in line with Tajikistan occupational health and safety legislation and with approved Occupational Health and Safety Plans;
- Monitoring and implement training on LMP and OHS for project workers;
- Ensuring that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labor and occupational safety and health performance; and
- Monitoring implementation of the Worker Code of Conduct.

43. The POM will include standard templates of contracts which include LMP and OHS aspects, and the contractors (NGOs and Civil Works) commit to them. LMP and OHS responsibilities of the Contractors are the following:

- Follow the labor management procedures and occupational health and safety requirements stated in the contracts signed with MoF PIU. If the number of workers (direct +contracted) is above 50, then Contractors will develop their own LMPs and OHS plans. These procedures and plans will be submitted to the MoF PIU Director for review and approval before the contractors are allowed to mobilize to the field.
- Supervise the subcontractors’ implementation of labor management procedures and occupational health and safety requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Communicate clearly job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor/subcontractor is aware of the MoF PIU dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights under Tajikistan law, on the risks of their jobs, and on measures to reduce risks to acceptable levels.
- In collaboration with MoF PIU Social Specialist conduct training on labour management procedures and occupational safety to manage subcontractor performance.
- 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.

6. POLICIES and PROCEDURES

44. As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures, highlighted in the POM, will be followed by contractors and monitored by the MoF PIU M&E Specialist, to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities, with a goal of at least 50 percent.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer (in this case, the “Employer” would be the contractor).
- Depending on the origin of the employer and 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.
- It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
• Foreign workers will require residence permits, which will allow them to work in Tajikistan.

• All workers will be 18 years old or above for civil works. This will be a requirement in MoF PIU contracts with civil works contractors. MoF PIU will ensure that no construction workers between 15-18 years are employed unless they are hired for office work with shortened working hours (during out of school time).

• Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration.

7. AGE OF EMPLOYMENT

45. Tajikistan law prohibits anyone under 18 from performing “unhealthy or heavy” and there are special requirements for leave, work hours, and other conditions of employment. MoF PIU will ensure that no construction workers under 18 years are employed unless they are hired for office work. Based on the local legislation, workers between 15-18 years could be hired for office work with shortened working hours (during out of school time with guardian permission).

46. Contractors will be required to verify the identify and age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

8. TERMS and CONDITIONS OF EMPLOYMENT

47. The terms and conditions applying to MoF PIU/Tourism Development Committee (TDC) PIG employees are set out in the “HR Regulations.” These internal labor rules and regulations will apply to all MoF PIU/TDC PIG employees who are assigned to work on the project (direct workers). Terms and conditions of part-time direct workers are determined by their individual contracts.

48. The MoF PIU/TDC PIU applies two types of employment contract: a one-year employment agreements and short-term service contracts. Majority of staff are permanent staff with one-year employment agreements with fixed monthly wage rates. All the recruiting procedures are documented and filed in the folders in accordance to the requirements of labour legislation of the Republic of Tajikistan. The consultant met with the MoF PIU Human Resource Department and it seems that staff contracts were well documented. Monthly timesheets are also filed and kept accurately. Forty hour per week employment is practiced and recorded on paper. It should be noted that even MoF PIU staff are not civil servants the overtime practiced there, but this time no recorded and paid. The only shortcoming identified was the unaccounted working hours, according to the employees no overtime hours are recorded and paid.
49. The work hours for MOF PIU workers are 40 hours per week, eight hours per workday. It is noted the Labor Code provides for a work week of 40 hours but allows six-day weeks and this may be required for some project workers. All project workers will receive at least one rest day (24 hours) after six consecutive days of work.

50. The contractors’ labor management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in line, at a minimum, with this labor management procedure, the Tajikistan Labor Code and General Conditions of the World Bank Standard Procurement Documents.

9. GRIEVANCE MECHANISM

51. There are two options for Project stakeholders and citizens to submit complaints regarding the REDP, i.e. the Project Grievance Redress Mechanism (GRM) and the World Bank Grievance Redress Service (GRS). The project will establish a separate GRM for the workers. Essentially, it will be at two levels - one at the national level in Dushanbe and other, one in each of the two provinces.

52. The GRM for the REDP will be based on the Laws of the Republic of Tajikistan “On Appeals of Individuals and Legal Entities” and “On Civil Service” as well as the Instructions of the Government of the Republic of Tajikistan “On the Procedures of Records Management on the Appeals of Citizens”.

9.1 Worker GRM structure

53. The structure of the Feedback system/GRM for the REDP will be comprised of two levels, from the level of the province through the national PMU level.

54. Regional level: Regional Grievance Management Committee (RGMC) will be established in each region. The RGMC will be chaired by Deputy Governor, and will consist of representatives of the department of agriculture and culture & tourism; environmental protection; and labor as well as Grant Managers. Field Coordinator at the province level will function as the Secretary of the committee and serve as regional Grievance Focal Point (GFP) to file the grievances and appeals. If the issue cannot be resolved at the regional level within 15 days, then it will be escalated to the national level.

55. National level: If there is a situation in which there is no response from the local level GMCs, or the REDP regional coordinators, or if the response is not satisfactory then complainants and feedback providers have the option to contact the REDP PIU directly to follow up on the issue. National Grievance Management Committee (NGMC) will be chaired by the REDP PIU Director, comprising representatives of TDC, MoA, MoC, CEP, Labor and national NGOs. REDP PIU Environmental and Social Development Specialist will function as the Secretary of the committee and serve as national Grievance Focal Point (GFP) to file the grievances and appeals. S/he will be responsible for summarizing the number and types of all the complaints and issues received by the districts and two regions.

56. The timeline for complaint resolution at the national level will be 15 days upon receipt of the complaint that does not require additional study and research, and 30 days for the appeals that
need additional study. The complainant will be informed of the outcome immediately and at the latest within 5 days of the decision.

57. **Appeal Mechanism.** If the complaint is still not resolved to the satisfaction of the complainant, then s/he can submit his/her complaint to the appropriate court of law or the Labour Inspection under the Ministry of Labour.

### 9.2 Grievance Logs

58. The MoF PIU Social Specialist and Field Coordinators will maintain worker local grievance logs to ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. When receiving feedback, including grievances, the following is defined:

- Type of appeal;
- Category of appeal;
- People responsible for the study and execution of the appeal;
- Deadline of resolving the appeal; and
- Agreed action plan.

59. The MoF PIU Social Specialist and Field Coordinators will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. The log should contain the following information:

- □ Name of the person, his/her location and details of his / her complaint;
- □ Date of reporting by the complaint;
- □ Date when the Grievance Log was uploaded onto the project database;
- □ Details of corrective action proposed, name of the approval authority;
- □ Date when the proposed corrective action was sent to the complainant (if appropriate);
- □ Details of the Grievance Committee meeting (if appropriate);
- □ Date when the complaint was closed out; and
- □ Date when the response was sent to the complainant.

### 9.3 Monitoring and Reporting on Grievances

60. Field Coordinators will be responsible for:

- Maintaining the grievance logs on the complaints received at the regional level;
- Monitoring outstanding issues and proposing measures to resolve them; and
- Submitting quarterly reports on GRM mechanisms to the MOF PIU M&E Specialist.

61. The MOF PIU Social Specialist will be responsible for:

- Maintaining the grievance logs on the complaints received at the national level;
• Summarizing and analyzing the qualitative data received from the Field Coordinators on the number, substance and status of complaints and uploading them into the single project database;
• Monitoring outstanding issues and proposing measures to resolve them; and
• Submitting quarterly reports on GRM mechanisms to the MOF PIU M&E Specialist.

62. MOF PIU will submit quarterly reports to the WB, which shall include Section related to GRM which provides updated information on the following:
  • Status of GRM implementation (procedures, training, public awareness campaigns, budgeting);
  • Qualitative data on number of received grievances (applications, suggestions, complaints, requests, positive feedback), highlighting those grievances related to the WB ESS 2 and 5 and number of resolved grievances;
  • Quantitative data on the type of grievances and responses, issues provided and grievances that remain unresolved;
  • Level of satisfaction by the measures (response) taken; and
  • Any correction measures taken.

63. MoF PIU and its subcontractors will use the Bank’s 2017 Standard Procurement Documents for solicitations and contracts, and these include ESF provisions on labor and occupational, health and safety requirements. As part of the process to select the contractors who will engage contracted workers, MoF PIU may review the following information:
  • Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
  • Business licenses, registrations, permits, and approvals;
  • Documents relating to a labor management system and occupational health and safety system (e.g., HR manuals, safety program);
  • Identification of labor management, safety, and health personnel, their qualifications, and certifications;
  • Records of labor-related litigation;
  • Workers’ certifications/permits/training to perform required work;
  • Records of safety and health violations, and responses;
  • Accident and fatality records and notifications to authorities;
  • Records of legally required worker benefits and proof of workers’ enrollment in the related programs;
  • Worker payroll records, including hours worked and pay received;
  • Identification of safety committee members and records of meetings; and
9.4 World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB’s Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB’s independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank’s attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank’s corporate Grievance Redress Service (GRS), please visit http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

10. CONTRACTOR MANAGEMENT

Construction and other contracts will include provisions related to labor and occupational health and safety as provided in the World Bank Standard Procurement Documents and Tajikistan law.

MoF PIU will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by contractors. Contractors’ labor management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training provided for contracted workers to explain occupational health and safety risks and preventive measures.