

Palestinian Ministry of Health

LABOR MANAGEMENT PROCEDURES (LMP)

For:

**WEST BANK AND GAZA COVID-19 EMERGENCY
RESPONSE PROJECT P173800**

and

**WEST BANK AND GAZA COVID-19 EMERGENCY
RESPONSE PROJECT ADDITIONAL FINANCING P176403**

December 2021

List of Acronyms

CoC	Codes of Conduct
COVID-19	Coronavirus Disease 2019
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
EHSO	Environmental, Health and Safety Officer
ESS	Environmental and Social Standard
GBV	Gender Based Violence
GoP	Government of Palestine
GRM	Grievance Redress Mechanism
HCF	Health-Care Facility
ICWMP	Infection Control and Waste Management Plan
IPCP	Infection and Prevention Control Protocol
LMP	Labor Management Procedures
MoH	Ministry of Health
OHS	Occupational Health and Safety
OHSO	Occupational Health and Safety Officer
PMU	Project Management Unit
PPE	Personal Protective Equipment
SEA	Sexual Exploitation and Abuse
SEP	Stakeholder Engagement Plan
TA	Technical Assistance
WHO	World Health Organization
WWTP	Wastewater Treatment Plant

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1. INTRODUCTION

The Labor Management Procedures (LMP) is developed by Palestinian Ministry of Health (MoH) to manage labor risks under the West Bank and Gaza COVID-19 Emergency Response Project, the Parent Project, and its Additional Financing (AF). The International Bank for Reconstruction and Development/International Development Association called hereinafter (the World Bank) has agreed to provide financing for the Project. The LMP sets out the procedures which (i) respond to the specific health and safety issues posed by COVID-19, and (ii) protect workers' rights as set out in the national requirements as well as in ESS2: Labor and Working Conditions (ESS2). In accordance with the World Bank's ESS2, the parent project's LMP was prepared by MoH and disclosed on the World Bank's external website on April 12, 2021 and on MoH's webpage on April 18, 2021. As Additional Financing to the Parent Project has been proposed and is being prepared for, this version of the LMP has been prepared in line with the Additional Financing by updating the LMP for the parent project, which is to set out the Project's approach to meeting national requirements as well as the objectives of the Bank's Environmental and Social Framework, specifically the objectives of ESS2 (Labor and Working Conditions) and ESS4 (Community Health and Safety).

The Environmental and Social Framework (ESF) instruments prepared for the project identified key risks and impacts associated with project implementation, workers health and safety, and the risk associated with labor impacts. The rated environmental and social risk of the Project is **Substantial**, which indicates a substantial likelihood of adverse impacts associated with project implementation, including risks related to labor. The LMP addresses labor related risks and provides mitigation measures to minimize those risks, assists in identifying labor requirements, as well as building on the COVID-19 considerations given the updates in available information and research regarding the pandemic and the transmittal of the SARS-CoV-2 virus.

MoH is committed on a continuous basis throughout the Project implementation to evaluate risks and to develop procedures to prevent further impacts. The focus of the LMP is on workers engaged by MoH and contractors to implement the project activities. This LMP will be adopted and implemented by MoH for direct and contracted workers and will be inserted in the contract as part of contractors' legal obligations. The approach will be assessed as part of the initial screening of environmental and social risks and impacts carried out by MoH Project Management Unit (PMU).

This updated LMP provides an overview of the key labor risks associated with the parent project and the additional financing, it provides an overview of labor use, describes key labor and occupational health and safety (OHS) legislations. Furthermore, the AF identifies responsible staff under the project, terms and conditions for employment, minimum age requirements, and sets out the requirements for the Workers' Grievance Mechanism (Workers' GM).

2. PROJECT DESCRIPTION

2.1. PARENT PROJECT

The West Bank and Gaza COVID-19 Emergency Response Project and Additional Financing aim to prevent, detect and support immediate response to the threat posed by the COVID-19 pandemic and to strengthen the West Bank and Gaza health systems for public health preparedness. This emergency operation, as designed for the parent project, included three components to strengthen MoH's capacity to respond to the COVID-19 outbreak and potential future epidemics by enhancing the capacity to prevent further transmission, detecting cases at early stage, and providing appropriate and timely care for those affected by current COVID-19 outbreak.

The parent project, with a total budget of 5 USD million, included 3 components;

1. **Emergency COVID-19 response:** aimed, among others, to slowdown and limit, as much as possible, the spread of COVID-19 and at strengthening epidemiological surveillance systems, including indicator-based, community event-based, and sentinel surveillance.
2. **Strengthening overall healthcare services and clinical capacity to respond to COVID-19:** aimed, among others, at strengthening essential healthcare service delivery to be able to provide the best care possible and to support the strengthening of selected health facilities and the establishment and equipping of quarantine and treatment centers, to facilitate improved management of Covid-19 cases. .
3. **Project implementation and monitoring:** aimed to finance necessary human resources and running costs for the PMU at the MoH.

2.2. ADDITIONAL FINANCING

During 2021, Additional Financing (AF) to the Parent Project has been proposed. The proposed AF will form part of an expanded health response to the pandemic. The activities will build on the parent project as well as on the Bank's existing health portfolio in WB&G, focusing on improving the resilience of the health system. The equipment and supplies of the AF are similar to the types of supplies financed under the parent project, including: i) emergency medicines focusing on treatment of health emergencies and chronic conditions; and ii) emergency medical devices and equipment, including defibrillators, V/S monitors, emergency trolleys, consumables, patient beds, Intensive Care Unit (ICU) beds, mobile clinics, mobile blood banks, flow cytometers, electrical supplies, freezers, and refrigerated vehicles (not ultra-cold chain). The project will thus finance additional essential, life-saving medical equipment to scale up its developmental impact, and the equipment that will be procured will continue to be utilized for response to future health shocks.

2.3. CHANGES PROPOSED UNDER ADDITIONAL FINANCING

The components of the Parent Project will remain the same. Components 1 and 2, namely "Emergency COVID-19 Response" and "Strengthening Overall Healthcare Services and Clinical Capacity to Respond to COVID-19," will not be changed. Rather, the additional

financing will include the addition of component 3, “**Supporting Emergency Health Sector Needs and COVID-19 Response.**” This new component will be added for the AF to ring-fence the HEPRTF funds. US\$3.65 million of the US\$3.75 million in additional financing will be added to component 3.

A list of drugs, medical supplies, and medical equipment that would be procured under component 3, financed by the HEPRTF, has been shared with the World Bank by the MOH. All items have been technically reviewed and assessed as being relevant for COVID-19 response by the World Bank, and they are similar to the types of supplies financed under the parent project. This list includes:

- I) emergency medicines, focusing on treatment of health emergencies and chronic conditions.
- II) emergency medical devices and equipment, including defibrillators, V/S monitors, emergency trolleys, consumables, patient beds, Intensive Care Unit (ICU) beds, mobile clinics, mobile blood banks, flow cytometers, electrical supplies, freezers, and refrigerated vehicles (not ultra-cold chain).

The project’ AF will thus finance additional essential, life-saving medical equipment to scale up developmental impact of the Project.

Moreover, as the former component 3 is now assigned as component 4 (formerly component 3, “Project Implementation and Monitoring, for the Additional Financing”). The remaining US\$100,000 from the HEPRTF funds will be added to component 4, Project Implementation and Monitoring. The funds will be used to strengthen project implementation and monitoring, as well as audit costs and compliance with the ESCP.

3. OVERVIEW OF LABOR USE ON THE PROJECT

Since its establishment, MoH implemented several health projects in West Bank and Gaza such as procurement of Goods and Services for health facilities. The Project is developed by MoH, who will implement and execute the Project's activities through bidding procedures, which will select contractor(s) for Supply, Installation and Commissioning. Due to the small size of contracts and available qualifications to carry out the supply of equipment, the contracts will be awarded to local companies/service providers.

It is expected that the Project will engage the following categories of project workers as defined by ESS2:

Direct Workers: Direct workers who are the PMU staff including ~~project coordinator~~ the currently existing procurement specialist, financial specialist and a full-time Environmental, Health and Safety Officer (EHSO). In addition, MoH will employ a full-time administrative assistant, and a part-time Health Specialist under the project to support the envisioned activities. Additionally, under the Parent Project, direct workers included people engaged with MoH to provide health care services at hospitals and health care facilities including medical specialists, general practitioners, laboratory technicians, workers, X-ray technicians, nurses and workers who are responsible for waste management.

Contracted Workers: Contracted Workers are employed or engaged by contractors to perform work related to the project (such as installation of equipment, renovation of laboratories, etc.).

Community workers: Community workers will not be employed in relation to this Project. However, if the situation of COVID19 escalates, community workers (volunteers) might be involved. When engaging community workers, the LMP shall be updated to clarify the process to ascertain the voluntary nature of the work and any necessary risk mitigations such as COVID-19 prevention, GBV prevention, minimal age, etc.

Primary supply workers: Primary supply workers would be engaged by MoH's primary suppliers to provide the project materials and equipment.

To date, the Parent Project has included the procurement of medical equipment, personal protective equipment (PPE), Central Health Laboratory equipment, and PCV-10 vaccines. Additionally, the project has employed an additional 271 health workers in health care facilities for six month to support MoH in responding to the surge in demand for medical attention during the pandemic. MoH contracted the health workers for one year where the remaining six months of their contracts were financed by the ministry in order to preserve the labor rights of the workers in accordance with the Palestinian Labor Law (PLL)

Currently, for the Project's Additional Financing , the proposed activities revolve around the procurement of medical needs and necessities for West Bank and Gaza as well as vaccines' cold storage, transportation equipment, and machinery. Hence, the proposed activities include

the procurement of a mobile blood bank, mobile clinics, flow cytometer, Gaza clinical management medicines for COVID-19, COVID-19 related consumables, refrigerated vehicles and freezers (not ultra-cold chain), forklifts, electrical generator, electrical cargo kit and air conditioners for the storage and transportation of vaccines.

Moreover, under the 1.25 USD million earmarked for responding to the COVID-19 emergency in Gaza Strip following the latest conflict, the proposed activities include the procurement of emergency trollies, DC shocks, general patient beds, consumables, surgical microscope and simple surgical microscope, Phaco-vitreotomy machine, slit lamps, lenses, Goldmann mirror, and implantation tonometer, ocular Ultrasound, drugs, and other laboratory equipment.

Number of workers: The number of direct workers is currently three (03) persons from the PMU (a procurement specialist, financial specialist, and, a full-time EHSO), in addition to the Project Coordinator who is a civil servant. The direct workers under the Parent Project to be engaged with MoH were 271 health service workers. In the Parent Project's LMP, the workers required were identified as follows; surgeons (05), pediatrician (01), therapist (02), orthopedic surgery (02), general practitioners (49), laboratory technicians (26), workers (35), X-ray technicians (04), technicians (36), radiologists (02), radiology technicians (04) and nurses (110).

However, during contracting, the list was slightly modified. The following are the differences between the initial contracting needs and the actual; Surgeons (04), pediatrician (01), no therapists were hired, orthopedic surgeon (01), General practitioners - GP (46), laboratory technicians (41), workers (34), X-ray technicians (14), technicians (09), radiologists (01), radiology technicians were not hired, and nurses (108).

In addition, positions not listed in the original LMP that were hired during the implementation of the project: Midwives (02), Pharmacist assistants (02), nutrition specialist (01), and internal medicine specialist (01). This totals the recruited health workforce to 265, where six (06) out of the original 271 (03 nurses, 01 X-ray technician, 01 laboratory technician, and 01 GP withdrew shortly after being hired. Moreover, the estimated number of workers who are responsible for waste management who are civil servants is around 50.

The number of primary supply workers working with suppliers (15 suppliers) who supplied medicines, equipment and consumables for the parent project is 50 persons. For AF, approximately the same number (50 persons) will be involved.

Characteristics of Project Workers: The employees/workers, either male or female, will be engaged according to the work needs. The PMU currently comprises of a Civil Servant (The Project Coordinator) and professionals in their respective fields. Medical professionals hired under the Parent Project were either Specialists or General Physicians. Nurses and laboratory technicians will also be experienced in their respective fields. As with the Parent Project, the AF will be implemented by the Ministry of Health through the PMU. The contracted and primary supply workers would be males with some females, skilled, semi-skilled, and are likely to be working casually and/or formally.

Timing of Labor Requirements: The recruitment of the EHSO was initiated in March 2021 and the successful candidate started work in May 26th 2021. Medical Professionals were recruited shortly

after project effectiveness. The employment/engagement of contractors'/suppliers' workers will be done after award of contract and before the civil/supply works begin throughout the project implementation.

Summary of type of labor on the project is shown in Table 1:

Table 1: Summary of types of labor on the project

No.	Type of Workers	Description of Activities	Estimated Number	Characteristics	Timing
1. Direct Workers					
1.1	PMU staff	The project management such as coordination, fiduciary, monitoring and evaluation, and reporting. Ensuring compliance with the Environmental and Social Commitment Plan (“ESCP”) requirements and environmental and social instrument	03 (procurement specialist, financial specialist, and, a full-time EHSO) 01 (Coordinator)	<ul style="list-style-type: none"> • Full time • National • Skilled workers and professionals in various disciplines • Mix of males and females Civil servant	During the project and AF.
1.2	Health Care Workers engaged with MoH	to provide health care services at hospitals and health care facilities	271	<ul style="list-style-type: none"> • Full time for 6 months • National • Skilled workers and professionals in various disciplines • Mix of male and females 	6 months during the parent project
1.3	Waste management workers	Providing waste management services including dealing with hazardous/Infection preventions of medical waste.	50	<ul style="list-style-type: none"> • Semi-skilled or unskilled • Fixed term • National • Males 	At all time during the parent project and AF
2. Contracted workers					

No.	Type of Workers	Description of Activities	Estimated Number	Characteristics	Timing
2.1	People employed or engaged by contractors to perform work related to the project (such as renovation of laboratories, etc.).	People employed or engaged by contractors to perform work related to the project (if minor civil works are required for installation of equipment or renovation of laboratories, etc.).	50	<ul style="list-style-type: none"> • Semi-skilled or unskilled • Casual or fixed term • National • Males 	During the AF implementation.
3. Primary supply workers					
3.1	Primary supply workers	Working with suppliers (15 suppliers) who supplied medicines, equipment and consumables for the parent project	100	<ul style="list-style-type: none"> • Semi-skilled or unskilled • Casual or fixed term • National • Males 	Throughout the project implementation including the AF.

4. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The updated project ESMF identifies key environmental and social risks and impacts associated with the project's implementation, workers, community health and safety, and labor conditions. The focus of this updated LMP is on project workers, as defined in the ESF, who are engaged in the project. As described in the parent LMP, it was anticipated that the project will engage direct workers and contracted workers. For the additional financing, the proposed activities indicate that the same categories are to be involved, specifically the PMU workers and the contractors' workers who will be responsible for procurement and installation of equipment. For the AF, unlike the Parent Project, there are no proposed staffing activities.

Based on the conducted activities for the Parent Project, and the proposed activities under the AF, the following list identifies the key labor risks associated with the implementation of the Project.

- I. **Key Labor Risks:** It is assessed that key labor risks associated with the Project activities can be divided into four different categories: Risk related to specific health and safety issues posed by COVID-19 including:
 - Exposure to infected people with COVID-19.
 - Exposure to samples contaminated with COVID-19.
 - Improper handling of laboratory waste from testing COVID-19 patient specimens.
 - In the above three cases, the risks could include pathogen exposure, infection and associated illness, death, illegal and untenable overtime, psychological distress, fatigue, occupational burnout, stigma and passing on infections to family and community.
 - Exposure to infectious materials or radiation and accidental releases of infectious or hazardous substances to the environment.
 - Inappropriate handling, transportation procedure and disposal of solid hazardous waste (including sharps and needles disposal).
 - Use of improper disinfectants.
- II. Risks associated with the Mobile Blood Bank and Mobile Clinics:
 - Occupational health and safety risks related to safety in transportation that include unsafe driving practices, irregular maintenance of vehicles, accidents and spill of samples or hazardous material such as blood storage.
 - Waste management in terms of disposal of medical waste and the carrying of such waste until the final disposal sites.
 - Infection hazards in relation to unsafe storage or accidents or pills especially when handling COVID-19 samples, blood waste and other medical waste.
- III. Risks related to workers' rights and community health and safety including:
 - Child Labor.
 - Gender-Based Violence (GBV), Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH).

- Lack of a functioning Workers' GM.
- Irregular and untimely payment of wages, breach of workers' labor rights.
- Lack of circulation of CoCs to project workers.

IV. Potential OHS risks related to the minor civil works associated with installation of equipment including:

- Exposure to electrical hazards from the use of tools
- Noise and dust
- Lifting of heavy equipment
- falling and falling objects

Together with this updated LMP, the Environmental and Social Management Framework (ESMF) has also been updated to include a set of mitigation, monitoring, and institutional measures to be taken during implementation of the project to eliminate adverse environmental and social risks and impacts, offset them, or reduce them to acceptable levels. As the COVID-19 Emergency Response Parent Project's activities have been conducted at an expedited pace, the PMU at MoH did not contract an EHSO until May 2021. At the time, most of the parent project's procurement activities had been conducted. Hence, the Bank requested an ex-post audit to be conducted for the project which assessed the environmental and social compliance of the Project with the the ESSs of the ESF, , the ESCP, and the project's E&S instruments.

The E&S audit, cleared and disclosed on September 30, 2021 identified E&S impacts associated with the Project, including key labor impacts and risks that could be associated with future activities. Additionally, the audit resulted in a Corrective Action Plan (CAP) that proposed a list of mitigation measures and corrective actions to ensure MoH's compliance to the ESCP and the E&S instruments.

The following are key labor risks and impacts identified as a result of the auditing exercise.

- There has been significant delay in many instances in the release of the salaries of staff hired in relation to the Project.
- There has not been exposure of the project workers in relation to the Project, many workers did not know that they were hired through financing from the COVID-19 Emergency Response Project funded by the World Bank.
- Project workers were not aware of the existence of the CoC, and many stated that they did not even see it and was not circulated to them.
- There has not been any training plans, training provided was mainly on the job training.
- No workers' GRM was activated or operational during the Parent Project implementation until the date of the audit.
- Contractors and their staff were not informed of the requirement to conduct orientations and training in relation to the LMP, GRM, or working conditions. Contractors were not required to develop Workers' GRM for their staff.

- Contracted staff were not aware of the CoC.

As such, the E&S audit resulted in the CAP which identified mitigation measures and corrective actions in relation to the LMP and working conditions. The project will implement the mitigation measures identified by the CAP including:

- Improving the visibility of the Project and conduct continuous disclosure of information
- Ensure continuous reporting on E&S aspects of the Project
- Conduct capacity building to the EHSO including topics of GBV/ SEA/ SH.
- Conduct E&S Screening of proposed sub-projects.
- Conduct continuous consultations with project stakeholders.
- Establish an operational workers' GM in accordance with the LMP that should include channels for GBV related grievances.
- Draft and circulate codes of conduct for project workers
- Provide the workforce with training and induction on GBV/ SEA/ SH topics and provide them with general orientation regarding the project they are engaged in.
- Provide training and workshops on IPCP and ICWMP.

5. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

Two major pieces of legislation in Palestine govern the rights of the labors and the terms and conditions of employment; the Palestinian Labor Law no (7) of (2000) and the Council of Ministers Act 11, 2012 regarding the minimum wage. In addition to those, with respect to the direct workers directly engaged in the PMU, a new bylaw was issued in June 2021 regulating the contracting of what is defined as “Specialists or Experts” which applies to the project’s direct workers in the PMU. The bylaw No. (10) of 2021¹ regulates the contractual aspects, wages, holidays and other labor areas of the PMU Specialists contracts.

The Labor Law no (7) and the Council of Ministers Act 11, 2012 provide the basic conditions of employment with a view of improving the status of employees in Palestine. The Palestinian Labor Law explains the working hours, wages, leaves, the reward of work end, work contracts etc. The Council of Ministers Act 11, 2012 deals specifically with the minimum wages in the Palestinian National Authority’s locations and basic terms and conditions of employment.

Summary of the ESS2 (Labor and Working Conditions) requirements

A. Terms and Conditions of Employment

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. Project workers will be paid on a regular basis as required by national law and labor management procedures. Deductions from payment of wages will only be made as allowed by national law or the labor

¹ <https://maqam.najah.edu/legislation/882/>

management procedures, and project workers will be informed of the conditions under which such deductions will be made.

Where required by national law or the labor management procedures, project workers will receive written notice of termination of employment and details of severance payments in a timely manner.

The Borrower will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children. The role of legally established workers' organizations and legitimate workers' representatives will be respected.

B. Protecting the Work Force

Child Labor and Minimum Age

The labor management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age.

Forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty, will not be used in connection with the project.

A grievance mechanism will be provided for all direct workers and contracted workers to raise workplace concerns and will be proportionate to the nature and scale and the potential risks and impacts of the project.

The grievance mechanism will not impede access to other judicial or administrative remedies that might be available under the law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements.

C. Occupational Health and Safety (OHS)

The OHS measures will take into account the General Environmental Health and Safety Guidelines (EHSGs) and, as appropriate, the industry-specific EHSGs and other Good International Industry Practice (GIIP).

The OHS measures will be designed and implemented to address: (a) identification of potential hazards to project workers, particularly those that may be life-threatening; (b) provision of preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (c) training of project workers and maintenance of training records; (d) documentation and reporting of occupational accidents, diseases and incidents; (e) emergency prevention and preparedness and response arrangements to emergency situations; and (f) remedies for adverse impacts such as occupational injuries, deaths, disability, and disease.

Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

D. Contracted Workers

The Borrower will ensure that third parties who engage contracted workers are legitimate and reliable entities and have in place labor management procedures applicable to the project that

will allow them to operate in accordance with the requirements of ESS2. Contracted workers will have access to a grievance mechanism.

E. Primary Supply Workers

As part of the environmental and social assessment, the Borrower will identify potential risks of child labor, forced labor, and serious safety issues which may arise in relation to primary suppliers.

Below is the overview of the key aspects of Palestinian Labor Law (No. 07 of 2000), the Council of Ministers Act 11, 2012, and the terms and conditions of work in ESS2, para 11.

Wages

Based on Article (87) of the Palestinian Labor Law (PLL) the “Council of Ministers shall establish a committee to be called the “Committee on Wages”. The “Committee on Wages” was formed by the Council of Ministers Resolution No. (46) Of 2004. The “Committee on Wages” determines the minimum wage limit which has to be issued through a decision by the Council of Ministers. The formed “Committee on Wages “has determined the minimum wages (as stated below) and these wages were issued by the Council of Ministers Resolution No. (11) of 2012 regarding the adoption of the minimum wage in all areas of the Palestinian National Authority. These wages are:

1. The minimum monthly wage in all areas of the Palestinian National Authority and in all sectors is assigned as (1450 NIS) per month.
2. The minimum wage for day laborers, especially those working on an irregular daily basis, in addition to seasonal workers, is an amount of (65 shekels) per day.
3. The minimum wage for one hour of work for workers included in paragraph “2” above is an amount of (8.5 shekels) per hour.

A labor agreement will determine the form and amount of remuneration that should not be less than the legally approved minimum wage limit mentioned above. Additionally, the insurance made by contractors for the contracted workers will pay compensation to the contracted workers for work-related damage that caused any deterioration to the employee’s health and will cover the subsequent, necessary treatment costs.

Payment Regularity

According to Article (82) of the PLL:

1. The wage shall be paid to the worker using the circulated legal currency, provided that the payment is conducted according to the following:

- a) On the working days and in the workplace.
- b) At the end of each month in relation to workers paid based on a monthly wage.

c) At the end of each week in relation to workers, working on unit production or hourly or daily or weekly basis.

2. The worker's wage payment may not be delayed for a period exceeding five days from the wage regular payment date.

Deductions from Payment of Wages

According to Article (83) of the PLL:

1. With the exception of the following, no amounts may be deducted from the worker's wage:

a) In pursuance of a final judicial judgement.

b) For any loan due for the employer, provided that each deduction does not exceed (10%) of the related worker's basic wage.

c) The fines imposed upon the worker in pursuance to the provisions of this Law or the regulations issued according to it.

2. The total of deductions made under subparagraphs (b and c) in Paragraph (1) above may not exceed (15%) of the worker's basic wage.

The provisions of Article (83) of the PLL complies with the ESS2 (Paragraph 11) requirement that states "Deductions from payment of wages will only be made as allowed by national law or the labor management procedures, and project workers will be informed of the conditions under which such deductions will be made".

Insurance and Compensation

According to Articles (116) through (130) of the PLL:

"The employer (contractor in this case) must insure all his/her workers are insured against work injuries at licensed insurance providers in Palestine". The insurance made by contractors for the contracted workers will pay compensation to the contracted workers for work-related damage that caused any deterioration to the employee's health and will cover the subsequent, necessary treatment and give compensations as illustrated in Articles (116) through (130). If the work injury resulted in the death or in a permanent total disability, the heirs in the first instance and the injured worker in the second one shall be entitled to a cash compensation that is equal to the wage of (3500) working days or (80%) of his/her basic wage for the remaining period until he/she reaches the age of sixty years, whichever is greater.

In accordance with bylaw No. (10) of the year 2021, the Specialists or experts within the PMU are entitled to receive governmental insurance.

Working Hours and Weekly Holidays

According to Articles (68) through (73) of the PLL:

“The actual working hours shall be forty-five hours per week. The daily working hours shall be reduced by at least one hour in all hazardous or health damaging occupations, in addition to nightly jobs. Such occupations shall be defined through a decision issued by the Minister, after consulting with the concerned employers’ and workers’ organizations. The daily working hours shall include one or more resting period/s, the total of such period/s shall not exceed one hour, taking into consideration that the worker shall not work for more than five consecutive hours. Friday is the weekly rest period (holiday) unless the interest of the work requires the allocation of another day, provided that such day is taken by the worker on a regular basis.

The two parties (employer and project workers) may agree to extra working hours (overtime work) provided that the total number of such hours does not exceed twelve hours per week. The worker shall be paid the wage of one and a half hour for each extra working hour he/she works.

Rest Breaks

The employees will have one-hour meal break each workday. The duration of rest between working days is no less than one day on Friday (unless the interest of the work requires the allocation of another day, provided that such day is taken by the worker on a regular basis) for contracted workers and two days for direct workers.

Leaves

According to Articles (74) through (80) of the PLL:

An employee will have the right to enjoy paid leave for at least 14 working days, sick leave of 14 days, sick leave of additional 14 days with half of salary/ wage; this is also in accordance with the bylaw No. (10) of 2021. Additionally, workers who have spent over five (05) years or workers who are engaged in hazardous, or health damaging occupations are entitled for three (03) weeks paid annual leaves. Leave does not include maternity leave which is 70 days. The worker shall have the right to a paid leave on religious and official holidays, which is not considered or counted as annual leave. Employees have the right to enjoy paid national and religious holidays.

Women

According to Articles (74) through (80) of the PLL:

Palestinian Labor Law includes provision for prohibition of discrimination between men and women. Employment of women is prohibited in the following jobs or under the following conditions: dangerous or hard works, extra working hours during pregnancy and during the first six months after delivery, and during night hours except for the works defined by the Council of Ministers.

The working woman who has spent a period of one hundred and eighty days at work prior to each delivery shall have the right to a paid maternity leave for a period of ten weeks, including at least six weeks after the delivery. The working woman may not be dismissed from her work because of the maternity leave unless it is proven that she worked in another work during such

leave. The breastfeeding mother shall be entitled to a period or periods for breast feeding during work hours, the total of which shall not be less than one hour per day for a period of one year from the date of delivery. The breastfeeding hour, mentioned above, shall be counted as part of the daily working hours. According to the work interest, the working woman may obtain an unpaid leave to foster her child or accompany her husband.

Labor Disputes

According to Articles (60) through (67) of the PLL:

Palestinian Labor Law includes provision for workers exemption from legal fees arising from work-related disputes and allows unionizing. A bipartite committee will settle any disputes that may arise from the implementation of agreement. The court has jurisdiction over labor related disputes.

The Palestinian Labor Law applies to direct workers and contracted workers, who are employed on full-time basis. Terms and conditions of direct/contracted workers hired on part-time basis are determined in their individual employment contracts.

The following Key gaps between ESS2 and the Palestinian national Labor law include²:

- The West Bank and Gaza, as designated occupied territories, are unable to be a member of the ILO, and as such they have not ratified any ILO Conventions.
- Not all labor laws are fully aligned with ESS2. Important areas for consideration relate to:
 - Forced labor: Forced, involuntary, bonded labor etc. are not addressed by the Labor Law No. 7 of 2000. There is no specific provision in national legislation punishing the exaction of forced labor.
 - Discrimination: Gender discrimination in the different aspects of the employment relationship, including in recruitment, promotion and terms and conditions of employment, is not expressly prohibited. Discrimination of personal characteristics is not expressly prohibited under the Labor Code, including race, political belief, language, sexual orientation or gender identity. Sexual harassment is not expressly prohibited by law.
 - Contracted and primary supply labor: National law does not contain specific requirements on the use of contracted labor or on the use of primary supply labor.

An essential mitigation measure to address the gaps in the Palestinian National Labor law regarding labor dispute issues and to provide the workers with a non-judicial procedure, the project has established a workers' Grievance Mechanism that is described under chapter 11 of this LMP.

² World Bank ESS2 Country Briefing- West Bank & Gaza, ERGON, August 2020.

6. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY (OHS)

Many laws, resolutions, and ministerial instructions and decisions have addressed, inter alia, issues of occupational safety and health, and suitability of the working conditions. The Palestinian Labor Law No. 7 of 2000 guarantees workers' rights to occupational safety and health at the workplace, and regulates inspection of work conditions by the competent authorities, and other areas, as follows: Occupational Health and Safety Regulations Articles No. 90, 91, and 92 of the law provided that, the cabinet shall issue the regulations governing the occupational safety and health and work environment. In addition, the project's implementation is conducted in line with ESS2 and WBG EHS Guidelines. Such regulations and guidelines shall in particular provide for personal protection and prevention methods for workers from the work hazards and occupational diseases; the necessary health conditions in workplaces; first medical aid means at the establishment; and routine medical examinations of workers. The law also prohibits cutting any expenses or deductions from the workers' wages in return for the provision of occupational safety and health requirements at the workplace.

Following the Labor Law, several resolutions and ministerial instructions were issued detailing health conditions and standards related to occupational safety at different workplaces. These include:

- The ministerial decrees No. 15, 17, and 21 of 2003 concerning health conditions and standards at workplaces, medical assistance procedures at the workplace, and safety standards at companies.
- The Decision of the Council of Ministers No. (49) of 2004 concerning the preventive list of work hazards and career diseases and work accidents.
- Instructions by the Minister of Labor no. (1) of 2005 concerning the precautions to protect workers in construction sites.

Instructions by the Minister of Labor no. 2-6 of 2005, defining the range of chemical exposure limits and standards, exposure to ionizing radiation, noise, and safe levels of brightness of light and temperature at the workplaces. **COVID-19 CONSIDERATIONS**

Palestine's COVID-19 Response Plan, April 2020³: The Palestinian Government prepared the COVID-19 response plan in April, 2020. The purpose of this plan is to: present the Government of Palestine (GoP's) strategy and actions; propose an aid coordination approach; identify the critical support needs, including for: public health response to COVID-19; budget support to maintain government services; and diplomatic engagement with regional partners; and Describe the Government expectations of the longer-term economic impact of COVID-19 and required economic recovery actions.

Manual for procedures, working mechanisms and prevention of COVID-19 at Palestinian Hospitals, 2020: This manual was developed by MoH with reference to several WHO and CDC documents. The manual covers several topics including: preventive instructions, general

³<https://www.ochaopt.org/sites/default/files/covid-19-response-plan-inter-agency-opt.pdf>

instructions for health workers at hospitals, personal protective equipment (PPEs), the use of PPEs in health facilities, donning and doffing PPEs, locations methods of surveillance and classification of confirmed or suspected cases at hospitals, characteristics of a COVID-19 ward/section, swab collection and transportation, how to deal with the laboratory, at radiology department, how to deal with patients before service provision, in ambulance, with patients in operating theaters, and at hemodialysis wards. Methods to deal with patients' bed covers, linens, etc., and clothes and disinfecting methods in hospital laundries. Instructions for hospital cleaning companies and medical waste management. Dealing with fatalities/dead cases.

The following points among others set out in ESS2, Bank EHSR for Waste management, hazardous waste, and healthcare facilities, guidance notes on infection prevention control protocols (IPCPs) which have specific guidance on labor management for COVID19 (including WHO) will be ensured. The following points also address concerns raised in the E&S Audit and the E&S Audit/CAP:

- All potential risks to project workers' health and safety will be identified by all parties who employs workers and develop and implement procedures to establish and maintain a safe working environment, including workplaces, equipment, and processes under their control.
- Appropriate protective measures will be provided. These measures include providing adequate personal protective equipment (PPE) (particularly facemask, gowns, gloves, handwashing soap and sanitizer) as determined by a detailed risk assessment, should be worn by all laboratory personnel handling test specimens.
- Appropriate OHS plan and Infection Control and Waste Management Plan (ICWMP) will be prepared and implemented by MoH. Waste management plan will be aligned with the Palestinian National Solid Waste Management Strategy, and in compliance with the relevant Environmental Health and Safety Guidelines of the World Bank, particularly, the Guidelines for General Waste Management, and the Guidelines for Hazardous waste management.
- Prepare emergency response procedure which responds to incidents occurred in the hospitals and Health Care Facilities (HCFs), the recipient of the project equipment and goods to be supplied by the project, including spillage, occupational exposure to infectious materials or radiation, accidental releases of infectious or hazardous substances to the environment, medical equipment failure, failure of solid waste and wastewater treatment facilities, and fire.
- Adopt and implement international best practice as outlined in the WHO publications including guidance for laboratory biosafety, Guidance on regulations for the Transport of Infectious Substances, infection prevention and control guidelines.
- Provide immediate and ongoing training on the procedures to all categories of workers, and post signage in all public spaces mandating hand hygiene and PPE.
- MoH concerned department with the EHSO will check the installation of equipment and the operation aspects during the project implementation.
- Project workers including health service workers will receive OHS training at the beginning of their employment by the MoH and concerned department in the

hospitals/health care facilities. Training will cover the relevant aspects of OHS associated with daily work, including the ability to stop work without imminent danger and respond to emergency situations. Training records will be kept on file. These records will include a description of the training, the number of hours of training provided, training attendance records, and results of evaluations.

- MoH will develop and implement reporting system for any accidents, diseases, and incidents. Every accident will be investigated, and relevant measures will be designed to avoid the accident in the future. Also remedies for adverse impacts such as occupational injuries, disabilities and diseases will be provided.
- Provision of personal hygiene facilities, canteens, rest areas as appropriate.
- A Grievance Mechanism (GM) will be developed and made available to all workers including contractors and sub-contractors. The grievance mechanism clearly defines the response timeframes to grievances and incorporate a grievance log as part of the grievance mechanism process.

7. RESPONSIBLE STAFF

The following table shows the individuals responsible within the project to engage and manage project workers:

Activity	Responsible Staff at MoH-PMU, hospitals/HCFs
Engagement and management of the Project contracted workers	EHSO at MoH in coordination with the focal points at the hospitals/HCFs
Engagement and management of contractors/subcontractors	EHSO at MoH
OHS, waste management	EHSO at MoH in coordination with the focal points at the hospitals/HCFs
Addressing worker grievances	EHSO at MoH in coordination with the focal points at the hospitals/HCFs

MoH will be responsible for the overall implementation of the LMP, as well as reporting back to the World Bank. The EHSO will be responsible for certain tasks as defined in the TORs, of which:

- Monitor that, if contractors are engaged in the Project, they are meeting obligations towards contracted and sub-contracted workers in line with ESS2 and the Palestinian Labor Law.
- Monitor implementation of labor management procedures.
- Monitor training of the project workers.
- Oversight and to report on the compliance with environmental and social requirements to MoH on a quarterly basis.
- Maintain records of recruitment and employment process of contracted workers.

- Clearly communicate job description and employment conditions to contracted workers.
- Ensure that all project workers understand and sign the Code of Conduct prior to the initiation of the work.
- Ensure that the grievance mechanism for the project workers is established and monitor its implementation.

The EHSO who is part of the PMU will be responsible for quarterly progress reports ensuring that the following are prepared, implemented and delivered by the MoH:

- Compile the monthly reports received from the focal points at hospitals/HCFs and address all environmental and social issues relevant to the Project including:
- Report on the availability of OHS plan for the operation of equipment, handling of laboratory waste from testing COVID-19 patient specimens.
- Application of infection prevention protocols for handling and transportation procedure and disposal of solid hazardous waste, infection prevention measures, Laboratory biosafety guidance related to COVID19.
- Produced reports by MoH on quality of disinfectants, chemicals, biosafety.
- Produced reports by MoH on the training for OHS aspects related to their works.
- Ensure that MoH promptly manages any incident according to the Operation Manual.

The hospitals and HCFs, who are governmental facilities and managed by MoH, through the focal point will be responsible for:

- Implementing, monitoring, and reporting on a monthly basis to the ESHO at the PMU the environmental and social requirements as per the environmental and social instruments.
- Provide OHS training for the health service workers at the beginning of their employment at hospital/HCFs and keep training records on file.
- Manage the daily OHS measures and **labor and working conditions** for the health service workers at hospitals/HCFs.
- Monitor implementation of labor management procedures for the health service workers at hospitals/HCFs.
- Ensure that the grievance mechanism for the health service workers at hospitals/HCFs is established and monitor its implementation.

Additionally, contractors will be responsible for the following:

- Appoint one or more qualified Occupational Health and Safety Officer with three years of training and relevant experience to prepare and implement project specific labor management procedure, OHS plans, and to manage subcontractor performance. Smaller contracts may permit the safety representative to carry out other assignments as well. The safety representative ensures day-to-day compliance with specified safety measures and records of any incidents. Minor incidents are reported to PMU on a

monthly basis, serious incidents are reported immediately. Minor incidents are reflected in the quarterly reports to the World Bank, major issues are flagged to the World Bank immediately;

- Management in accordance with this LMP implementation will be supervised by the PMU on a regular basis.
- Keep records in accordance with specifications set out in this LMP. PMU may at any time require records to ensure that labor conditions are met. The PMU will review records against actuals at a minimum on a monthly basis and can require immediate remedial actions if warranted. A summary of issues and remedial actions will be included in quarterly reports to the World Bank.
- Contractors will be required to present a worker grievance redress mechanism (GRM, described in detail below) which responds to the minimum requirements in this LMP. The EHSO will review records on a monthly basis. Where worker concerns are not resolved, the MoH system will be used, but the MoH will keep abreast of resolutions and reflect in quarterly reports to the World Bank.

8. POLICIES AND PROCEDURES

This LMP is prepared in line with World Bank ESS2 and the Palestinian Labor Law (No. 7 of 2000) and the Council of Ministers Act 11, 2012. The principles and procedures presented below represent minimum requirements but are not an exhaustive list of requirements. The employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, such as recruitment, compensation, working conditions and terms of employment, access to training, promotion, or termination of employment. The following measures will be ensured by MoH to provide fair treatment of all employees:

- Recruitment procedures will be transparent, public, and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, and gender.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- Employees will be informed at least two months before their expected release date of the coming termination.
- The contracted workers will not pay any hiring fees.
- The contracts will be developed in Arabic language.
- MoH will include in contracts that all project personnel must be of the age of 18 years or more.
- Set out measures to prevent GBV and SEA in accordance with the ESF. All project workers and communities in contact with project workers will be made aware of the GM available for the workers and the project and will also be able to lodge complaints

to the special pathways for grievances on GBV, SEA, SH. The MoH will require contractors to conduct an orientation session for their workforce on the grievance mechanism prior to the start of civil works.

- Contractors for contracted workers will need to maintain labor relations with local communities through code of conduct (CoC). A sample CoC is presented in Annex 1. The CoC commits all direct workers, persons engaged by the contractor, including sub-contractors and suppliers, to acceptable standards of behavior. The CoC is also available in local language and includes sanctions for non-compliance, including non-compliance with specific policies related to gender-based violence, sexual exploitation, and sexual harassment (e.g., termination). All persons engaged by the contractor, including sub-contractors and suppliers, shall be oriented and informed about the content of CoC.
- Staff in PMU will sign Codes of Conduct. Codes of conduct need not be signed by other health service workers during crises as long as information on unacceptable behavior is sufficiently disseminated. Publicly post or otherwise disseminate messages clearly prohibiting SEA/SH during the provision of health care, whether health service workers are perpetrators or survivors.
- Ban the use or support of child, forced or compulsory labor.
- Workers should have signed contracts with clear terms as per the Palestinian Labor law.
- Provide workers with adequate periods of rest per week, annual holiday and sick leave, as required by national law.
- MoH will include in the bidding documents for procurement of Goods specific OHS standard requirements that all contractors and sub-contractors will meet under the Project. The standards will be consistent with the EHSg guidelines and guidance notes on infection prevention control protocols (IPCP).

COVID-19 CONSIDERATIONS

The Project will employ workers/laborers to carry out the small civil works required for installation of equipment, electrical supplies, freezers, and refrigerated vehicles, if required, and workers who will be employed to provide for health services. Specific provisions for both are listed below:

Construction/Civil Works if applicable. The contractors will ensure adequate precautions are in place to prevent or minimize an outbreak of COVID-19, and provisions when a worker gets sick. This will include:

- Confirming workers are fit for work, to include temperature testing and refusing entry to sick workers.
- Considering ways to minimize entry/exit to site or the workplace and limiting contact between workers and the community/general public.

- Training workers in hygiene and other preventative measures and implementing a communication strategy for regular updates on COVID-19 related issues and the status of affected workers.
- Treatment of workers who are or should be self-isolating and/or are displaying symptoms
- Assessing risks to continuity of supplies of medicine, water, fuel, food, and PPE, considering international, national, and local supply chains.
- Reduction, storage, and disposal of medical waste.
- Adjustments to work practices, to reduce the number of workers and increase social distancing
- Developing relationships with local health care facilities and organize for the treatment of sick workers.
- Establishing a procedure to follow if a worker becomes sick (following MoH and WHO guidelines).
- Implementing a communication strategy with the MoH in relation to COVID-19 issues on the site.

Health Services. MoH should have plans or procedures in place to address the following issues:

- Obtaining adequate supplies of medical PPE, including gowns, aprons, curtains; medical masks and respirators; gloves (medical, and heavy duty for cleaners); eye protection (goggles or face screens); hand washing soap and sanitizer; and effective cleaning equipment.
- Training medical staff on the latest advice and recommendations on the specifics of COVID-19.
- Conducting enhanced cleaning arrangements, including thorough cleaning (using adequate disinfectant) of health care facilities, catering facilities/canteens/food/drink facilities, latrines/toilets/showers, common areas, including door handles, floors and all surfaces that are touched regularly.
- Training and providing cleaning staff with adequate PPE when cleaning consultation rooms and facilities used to treat infected patients.
- Implementing a communication strategy/plan to support regular communication, accessible updates, and clear messaging to health workers, regarding the spread of COVID-19 in nearby locations, the latest facts and statistics, and applicable procedures.
- Set out procedures for Infection Control and Waste Management Plan (ICWMP).

9. AGE OF EMPLOYMENT

A child under the age of 15 will not be employed or engaged in connection with the Project (This is according to the Palestinian Labor Law No. 7 of 2000, article No. 93; and ESS2 requirements). However, according to the Palestinian Child Law No. 7 for the year 2004, article 94 and International labor Organization (ILO) agreement and due to the nature of the project,

where the activities involve possible exposure to COVID-19, no child under age 18 will be employed to work in the Project due to the hazardous nature of the work.

The contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, ID's, or birth certificates or medical or school record. The contractor shall keep the records/documents which will be checked on sites by Supervision Engineering Offices.

If underage workers are found working on the Project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the worker/child. A regular review and checkup will be conducted MoH-PMU to make sure no underage workers are still working on the Project.

10. TERMS AND CONDITIONS

As stated in section 4, the terms and conditions applying to MoH's employees (direct workers) are set out in the Palestinian Labor Law No. 07 of 2000, the Council of Ministers Act 11, 2012, and Bylaw No. (10) for the year 2021, which provide for the rights of employees who will be assigned to work on the project. Terms and conditions of part-time direct workers are determined by their individual contracts.

11. GRIEVANCE MECHANISM

In Palestine, the right of the public to complain is ensured by the grievance bylaw No. 6 for the year 2009 that was approved by the Ministerial Cabinet in 22/09/ 2016. The Bylaw sets the rules for grievance of the public and the improving the performance of the Palestinian Ministries and Authorities.

Per the E&S audit and the corrective action plan (CAP) elaborated, the Project currently has a two-level grievance mechanisms. One for labor-related grievance (Workers' GM) and the other for project GM. The Project did not have a functioning GM until the end of Q3 2021. Project level and workers' GMs have been drafted and will be disclosed and made public. Additionally, and based on the CAP, simplified Arabic versions for public disclosure have been prepared for both the project level and workers' GMs, the simplified document, in the local language, allows for the procedures to be easy to understand and accessible to the general public and project workers.

The project GM will be accessible to all project's stakeholders, including affected people, community members, health workers, civil society, media, and other interested parties. Stakeholders can use the project GM to submit complaints related to the overall management and implementation of the Project. Detailed description of the project GM is presented in the updated SEP. MoH and suppliers/contractors shall provide clear grievance mechanisms for the workers who will be employed or engaged in connection with the Project. The workers' GM will include: (i) procedure to receive grievances such as comment/complaint form, suggestion boxes, email, and telephone line, (ii) stipulated timeframes to respond to grievances, (iii) a

register to record and track the timely resolution of grievances, (iv) allow anonymous grievances to be raised and addressed. Measures should be put in place to protect workers against any reprisal for its use, (v) include special pathway in the GM for receiving and handling GBV, SEA/SH complaints and grievances (details are provided in the SEP), and (v) responsible office/department to receive, record and track resolution of grievances.

The workers' GM will be described in staff induction training, which will be provided to all new project workers. Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of "suggestion/complaint boxes", and other means as needed. MOH through the EHSO will monitor the registration and resolution of grievances, and report these in an annex in the progress reports. Workers GBV related complaints will be referred to the EHSO for handling in line with the procedures described and adopted by the MoH in the SEP. If civil works will be involved during the project's lifetime, the MoH will require contractors to develop and implement a grievance mechanism for their workforce prior to the start of civil works. This grievance mechanism also addresses child labor, GBV and sexual harassment related grievances. A description for handling GBV/SEA/SH related complaints is provided in the project's SEP.

The project GM functions as the second tier for the workers' GM for unresolved grievances and as a mechanism to prevent retaliation

COVID-19 CONSIDERATIONS

In addition to the above provisions of GRM, specific COVID-19 provisions will also be developed where the nature of complaints may be particularly time-sensitive and sensitive in terms of confidentiality. The provisions will include addressing the:

- Lack of Personal Protective Equipment (PPE) of the right quality and enough quantity
- Absence of Protocols and non-adherence of the same
- Unreasonable overtime causing fatigue
- Forced to work under unhygienic and potentially contaminated situations without proper remedial measures

12.SUPPLIER/CONTRACTOR MANAGEMENT

MoH will use the Palestinian procurement procedures and the World Bank's 2017 Standard Procurement Documents for solicitations and contracts which include labor and OHS requirements. MoH after receiving bids from the suppliers/contractors ensures that the suppliers/contractors are legitimate and licensed according to the Palestinian Labor Law.

The Project's environmental and social instruments; ESMF, SEP, and this LMP form and integral part of the bidding documents to be issued to suppliers/contractors and shall also be part of the awarded contracts to these suppliers/contractors. In addition, proper training and orientation to suppliers/contractors will be made by MoH at different stages of awarding and implementation of the Project, to ensure full understanding and compliance.

When engaged in the project, the project requires that suppliers/contractors monitor, keep records and report on terms and conditions related to labor management. The supplier/contractor must provide workers with evidence of all payments made, including entitlements regardless of the worker being engaged on a fixed term contract, full-time, part-time, or temporarily. The application of this requirement will be proportionate to the activities and to the size of the contract, in a manner acceptable to MoH and the World Bank (MoH will ensure that these provisions are applicable to the contracted workers in health service delivery):

- **Labor conditions:** records of workers engaged under the Project, including contracts, registry of induction of workers including CoC, hours worked, remuneration and deductions (including overtime), collective bargaining agreements.
- **Safety:** recordable incidents and corresponding Root Cause Analysis (RCA- lost time incidents, medical treatment cases), first aid cases, high potential near misses, and remedial and preventive activities required (for example, revised job safety analysis, new or different equipment, skills training, and so forth). The contracts should include non-compliance remedy for possible violation of E&S provisions.
- **Workers:** number of workers, indication of origin (expatriate, local, nonlocal nationals), gender, age with evidence that no child under-age of 18 years and forced labor is involved, and skill level (unskilled, skilled, supervisory, professional, management).
- **Training/ induction:** dates, number of trainees, and topics.
- **Details of any security risks:** details of risks the supplier/contractor may be exposed to while performing its work—the threats may come from third parties external to the project.
- **Worker grievances:** details including occurrence date, grievance, and date submitted; actions taken and dates; resolution (if any) and date; and follow-up yet to be taken grievances listed should include those received since the preceding report and those that were unresolved at the time of that report. If the suppliers/contractors do not have their own grievance redress system, the GM developed under this LMP will be adopted.

COVID-19 CONSIDERATIONS

The contractual agreement will also require inclusion of measures required of suppliers/contractors considering the COVID-19 situation. They will include:

- Provision of adequate measures for the workers working under COVID-19 situation including free PPEs and sanitization. Provision of workers needing to report COVID-19 symptoms and referral to health facilities and not forcing them to work.
- Provision of medical insurance covering treatment for COVID-19, sick pay for workers who either contract the virus or are required to self-isolate due to close contact with infected workers and payment in the event of death
- Requirement of safe working conditions and the conduct of the work (e.g., creating at least 6 feet between workers by staging/staggering work, limiting the number of workers present)

- Procedures and measures dealing with specific risks. For example, for health care suppliers/contractors: infection prevention and control Protocols (IPCPs) strategies, health workers exposure risk assessment and management, developing an emergency response plan, per WHO Guidelines
- Appointing a COVID-19 focal point with responsibility for monitoring and reporting on COVID-19 issues and liaising with other relevant parties.

13.PRIMARY SUPPLY WORKERS

Local companies and formal businesses will be contracted to provide the goods and supplies needed for the project. These sectors are not known to involve significant risks of child labor and forced labor. In all cases where primary suppliers will be engaged, suppliers will be required to inquire during their procurement process whether the supplier has been accused or sanctioned for any of these issues and their corporate requirements related to child labor, forced labor, and safety.

If there are any risks related to child and forced labor, and safety identified, MoH will address these risks. Suppliers will be vetted using a different form which screens the supplier regarding compliance with taxes, certification, licensing, public liability certificate and workmen's compensation. A separate form requires that the primary supplier identifies the company's permanent staff and day laborers if used and declare any current or prior arbitrations as well as any criminal convictions. Suppliers will be subject to review before contracting and during implementation.

ANNEX 1: Sample Code of Conduct (CoC) for Contractor's Personnel

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

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

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Sites or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor's Personnel**” and are subject to this Code of Conduct.

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

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

REQUIRED CONDUCT

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
 - a) ensuring that workplaces, machinery, equipment, and processes under each person's
 - b) control is safe and without risk to health;
 - c) wearing required personal protective equipment (PPE);
 - d) using appropriate measures relating to chemical, physical, and biological substances and
 - e) agents; and
 - f) following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect and not discriminate against specific groups such as women,
6. people with disabilities, migrant workers or children;
7. not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
8. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. In Bank financed operations/projects, sexual exploitation occurs when

access to or benefit from Bank financed goods, Works, Consulting or Non-consulting services is used to extract sexual gain;

9. not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions;
10. not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
11. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
12. report violations of this Code of Conduct;
13. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that

if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor's contact*]

person(s) with relevant experience (including for sexual exploitation, abuse, and harassment cases) in handling those types of cases] requesting an explanation.

Name of Contractor's Personnel: *[insert name]*

Signature:

Date

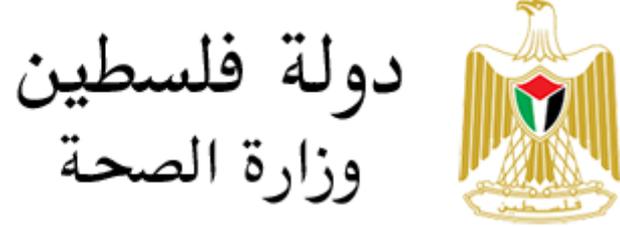
(day/month/year/):

Countersignature of authorized representative of the Contractor:

Signature:

Date (day/month/year/):

ANNEX 2: Code of Conduct (CoC) for Direct Workers in Arabic



مشروع الاستجابة لطوارئ كوفيد-19 في الضفة الغربية وقطاع غزة & التمويل
الاضافي

رقم المشروع: P173800 & P176403

مدونة قواعد السلوك الخاصة بالمشروع

ايلول 2021

1. المقدمة

تلتزم وزارة الصحة الفلسطينية بضمان بيئة عمل تقلل من أي آثار سلبية على البيئة المحلية والمجتمعات والعاملين فيها. كما تلتزم وزارة الصحة بخلق والحفاظ على بيئة عمل لا مكان فيها للعنف المبني على النوع الاجتماعي والاستغلال والاعتداء والتحرش الجنسي، حيث لن يتسامح معها سواء من أي موظف أو مقاول أو مورد أو شريك أو ممثل عن وزارة الصحة. هذه الوثيقة، التي سيتم تعميمها والتوقيع عليها من قبل العاملين المباشرين في المشروع، ستحكم وتضع الأساس للعلاقات والقيم الأخلاقية بين عمال المشروع، وبين الإدارة والموظفين والعكس، وعلاقة عمال المشروع مع المجتمع. تحدد مدونة السلوك معايير العمل التي تهدف إلى تحقيق ظروف عمل لائقة وإنسانية. تم إعداد مدونة قواعد السلوك هذه بما يتماشى مع الإطار البيئي والاجتماعي للبنك الدولي (ESF)⁴، ومدونة قواعد السلوك الخاصة بالبنك الدولي⁵، ومدونة قواعد السلوك الخاصة بوزارة الصحة⁶ التي تحكم الوظائف الحكومية بناءً على قرار مجلس الوزراء رقم 10 لعام 2014، القرار الوزاري رقم 6 لسنة 2020 الصادر عن وزير الصحة بإعادة توزيع مدونة السلوك على موظفي وزارة الصحة، إضافة إلى قانون العمل الفلسطيني والقوانين الوطنية وممارسات العمل الجيدة المقبولة.

2. التعاريف

- **العاملون المباشرون في المشروع:** على النحو المحدد في الإطار البيئي والاجتماعي ESS2 (ESF) للبنك الدولي، فإن العمال المباشرين هم الأشخاص الذين تم توظيفهم أو مشاركتهم مباشرة من قبل مقدم المشروع (وزارة الصحة) للعمل على وجه التحديد فيما يتعلق بالمشروع.
- **العنف الجنسي والعنف القائم على النوع الاجتماعي:** مصطلح شامل لأي فعل ضار يُرتكب ضد إرادة الشخص ويستند إلى الفروق المنسوبة اجتماعيًا بين الذكور والإناث (أي الجنس). ويشمل الأفعال التي تلحق الأذى أو المعاناة الجسدية أو الجنسية أو العقلية، والتهديد بمثل هذه الأفعال، والإكراه، وغير ذلك من أشكال الحرمان من الحرية⁷.
- **الاستغلال والاعتداء الجنسيان (SEA):**⁸ يُعرّف بأنه أي إساءة فعلية أو محاولة إساءة استغلال لموقف ضعف أو قوة تفاضلية أو ثقة لأغراض جنسية، بما في ذلك، على سبيل المثال لا الحصر، تحقيق الربح المادي أو الاجتماعي أو السياسي من الاستغلال الجنسي من جانب آخر.
- **الاعتداء الجنسي:** "التدخل الجسدي الفعلي أو المهدّد بطابع جنسي، سواء بالقوة أو في ظل ظروف غير متكافئة أو قسرية".
- **التحرش الجنسي (SH) sexual harassment:**⁹ التحرش الجنسي غير المرغوب فيه، وطلب خدمات جنسية، وغير ذلك من السلوك اللفظي أو الجسدي ذي الطبيعة الجنسية.
- **التحرش الجنسي مقابل الاستغلال والانتهاك الجنسيين:**¹⁰ يحدث الاستغلال الجنسي ضد مستفيد أو فرد من المجتمع. ويحدث التحرش الجنسي بين أفراد / موظفي مؤسسة أو شركة وينطوي على أي تقدم جنسي غير مرغوب فيه أو سلوك لفظي أو جسدي غير مرغوب فيه ذي طبيعة جنسية. يعد التمييز بين الاثنين أمرًا مهمًا بحيث يمكن أن تتضمن في سياسات الوزارة وتدريب الموظفين على تعليمات محددة حول إجراءات الإبلاغ عن كل منهما.
- **الموافقة:** هي الاختيار الكامن وراء قرار الشخص الطوعي بفعل شيء ما. يجب منح الموافقة على أي نشاط جنسي بحرية، وموافقة على الانسحاب، وتتخذ مع أكبر قدر ممكن من المعرفة، ومحددة للموقف. إذا تم الحصول على اتفاق باستخدام التهديدات أو الأكاذيب أو الإكراه أو استغلال اختلال توازن القوى، فهذا ليس موافقة.

3. الاهداف

⁴ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

⁵ <https://documents1.worldbank.org/curated/en/147281468337279671/pdf/WBG-Code-of-Ethics.pdf>

⁶ [Palestinian Ministry of Health – Codes of Conduct](#)

⁷ IASC 2015. Guidelines for Integrating Gender Based Violence Interventions in Humanitarian Action

⁸ In the context of World Bank Financed operations exploitation occurs when access to or benefit from a World Bank Financed good or service is used to extract sexual gain.

⁹ Inter-Agency Standing Committee Protection against Sexual Exploitation and Abuse (PSEA): Inter-agency cooperation in community-based complaint mechanism. Global standard Operating Procedures. May 2016

¹⁰ In accordance with the United Nations Convention on the Rights of the Child.

تم إعداد مدونة قواعد السلوك هذه لضمان الشفافية والمساءلة بين العاملين المباشرين في المشروع ، والإدارة ، والمجتمع. وتهدف إلى وضع الأساس وتحقيق فهم مشترك للمبادئ التي تتوافق مع مبادئ وزارة الصحة والبنك الدولي. يصف القواعد والسلوكيات الأخلاقية المتوقعة من موظفي المشروع ، ومن الإدارة ، ومن وزارة الصحة.

تعد مدونة قواعد السلوك هذه جزءًا من إجراءات التعامل مع المخاطر البيئية والاجتماعية المتعلقة بالأعمال المنفذة فيما يتعلق بهذا المشروع. وهي تنطبق على كل ما تُعرفه إجراءات إدارة العمل (LMP) والمعيار البيئي والاجتماعي (ESF) بشأن العمل وظروف العمل (ESS 2) على "عمال المشروع المباشرين".

الغرض من مدونة قواعد السلوك هذه هو:

1. خلق فهم مشترك لما هو متوقع من كل عامل ، والعلاقات بين العمال ، والإدارة ، والمؤسسة.
2. تحديد السلوك المطلوب والمتوقع من جميع العاملين في المشروع.
3. إيجاد بيئة العمل حيث لن يتم التسامح مع السلوك غير الآمن أو العدواني أو المسيء أو العنيف فيها.
4. تحقيق بيئة عمل يشعر فيها جميع الأشخاص بالأمان والراحة في إثارة القضايا أو المخاوف دون خوف من التبعات.
5. خلق فهم مشترك لما يشكل الاستغلال والاعتداء والتحرش الجنسي.
6. إنشاء التزام مشترك بالسلوكيات المعيارية والإرشادات للموظفين لمنع والإبلاغ عن والاستجابة للاعتداء والاستغلال الجنسي وتكوين مفهوم مفاده أن خرق مدونة قواعد السلوك هذه سيؤدي إلى اتخاذ إجراءات تأديبية.

4. السلوك المطلوب

المطلوب من جميع عمال المشروع:

1. القيام بواجباتها بكفاءة واجتهاد.
2. الامتثال لمدونة قواعد السلوك هذه وجميع القوانين المعمول بها.
3. الالتزام باللوائح والمتطلبات الأخرى ، بما في ذلك متطلبات حماية صحة وسلامة ورفاهية العمال الآخرين والموظفين والموظفين والمجتمع وأي شخص آخر.
4. الحفاظ على بيئة عمل آمنة من خلال ؛
 - أ. التأكد من أن مكان العمل والآلات والمعدات والعمليات الخاضعة لسيطرة كل شخص آمنة ولا تشكل أي خطر على الصحة ؛
 - ب. ارتداء معدات الحماية الشخصية كما هو مطلوب ؛
 - ت. استخدام التدابير المناسبة المتعلقة بالمواد والعوامل الكيميائية والفيزيائية والبيولوجية؛
 - ث. اتباع إجراءات التشغيل الطارئة المعمول بها.
5. الإبلاغ عن مواقف العمل التي يعتقد أنها ليست آمنة أو صحية وإبعاد نفسه / نفسها عن موقف العمل الذي يعتقد بشكل معقول أنه يمثل خطرًا وشيكًا وخطيرًا على حياته / صحتها ؛
6. الإبلاغ عن أي موقف قد ينشأ فيه تضارب في المصالح ، والذي يتم تعريفه على أنه حالات قد تتداخل فيها المصالح الشخصية مع قدرة العامل على أداء واجباته الرسمية بطريقة محايدة ؛
7. رفض أي شكل من أشكال الدفع أو الرشوة أو الهدايا أو التسهيلات أو أي شكل آخر من أشكال المزايا التي يمكن أن توفر معاملة تفضيلية لطرف ثالث ؛
8. لا يجوز استخدام العمالة القصرية، بما في ذلك السخرة أو غير ذلك من أشكال العمالة القهرية. يجب على العمال الإبلاغ عن أي من هذه الحوادث.
9. معاملة الآخرين باحترام وعدم التمييز ضد مجموعات معينة مثل النساء أو الأشخاص ذوي الإعاقة أو العمال المهاجرين أو الأطفال ؛
10. عدم الانخراط في التحرش الجنسي ، وهو ما يعني المقدمات الجنسية غير المرغوب فيها ، وطلبات الخدمات الجنسية ، وغير ذلك من السلوك اللفظي أو الجسدي ذي الطبيعة الجنسية مع العاملين الآخرين في المشروع ؛

11. عدم الانخراط في الاستغلال الجنسي ، وهو ما يعني أي إساءة فعلية أو محاولة استغلال لموقف الضعف أو القوة أو الثقة المتفاوتة ، لأغراض جنسية ، بما في ذلك ، على سبيل المثال لا الحصر ، تحقيق الربح المادي أو الاجتماعي أو السياسي من الاستغلال الجنسي لشخص آخر ؛
12. عدم الانخراط في الاعتداء الجنسي ، وهو ما يعني التدخل الجسدي الفعلي أو التهديد ذي الطبيعة الجنسية ، سواء بالقوة أو في ظل ظروف غير متكافئة أو قسرية ؛
13. عدم الانخراط في أي شكل من أشكال النشاط الجنسي مع الأفراد الذين تقل أعمارهم عن 18 عامًا ، إلا في حالة الزواج الموجود مسبقًا ؛
14. يجب على أرباب العمل الاعتراف واحترام حق الموظفين في حرية تكوين الجمعيات والنقابات والمفاوضة الجماعية.
15. الإبلاغ عن أي انتهاكات لقواعد السلوك.
16. عدم الانتقام من أي شخص يبلغ عن انتهاكات لمدونة قواعد السلوك هذه ، سواء إلى وحدة إدارة المشروع أو الإدارة العليا أو وزارة الصحة ، أو الذين يستفيدون من آلية معالجة المظالم الخاصة بالمشروع.
17. فيما يتعلق بوباء كوفيد-19 ، يتعين على العاملين في المشروع الالتزام بلوائح وزارة الصحة التي قد يتم تحديثها دوريًا اعتمادًا على حالة الطوارئ. يجب الالتزام بالتباعد الاجتماعي واستخدام أقنعة الوجه وغسل اليدين وتعقيمهما بشكل مستمر. يُطلب من العمال تنفيذ الإجراءات التي وضعتها وزارة الصحة بالتعاون مع منظمة الصحة العالمية.

5. التبليغ

إذا لاحظ أي شخص سلوكًا يعتقد أنه قد يمثل انتهاكًا لمدونة قواعد السلوك هذه ، أو للتبليغ عن سلوك يتعلق بشخصه / شخصها ، فيجب عليه / عليها إثارة المشكلة على الفور. يمكن القيام بذلك بإحدى الطريقتين التاليتين:

- اتصل بـ [مسؤول البيئة والصحة والمجتمع] كتابيًا على هذا العنوان [grm@hsrsp.ps]
- أو عبر الهاتف على [0562402198]
- أو شخصيًا في [وزارة الصحة ، الطابق الثالث ، مكاتب إدارة مشاريع البنك الدولي ، رام الله] ؛ أو
- من خلال الإجراءات المنص عليها في نظام الشكاوى. والموجودة معلوماته في الكتيب المرفق وعلى موقع وزارة الصحة: <http://site.moh.ps/Index/CategoryView/CategoryId/20/Language/ar>

سيتم الحفاظ على سرية هوية الشخص ، ما لم يكن الإبلاغ عن الادعاءات مكلفًا بموجب قانون الدولة. يمكن أيضًا تقديم شكاوى أو ادعاءات مجهولة المصدر وسيتم أخذها في الاعتبار. نحن نتعامل بجدية مع جميع التقارير المتعلقة بسوء السلوك المحتمل وسنحقق ونتخذ الإجراء المناسب. سنقدم توصيات لمقدمي الخدمة الذين قد يساعدون في دعم الشخص الذي تعرض للحادث المزعوم ، حسب الاقتضاء.

لن يكون هناك أي تبعات أو عواقب لأي شخص يثير مخاوف بحسن نية بشأن أي سلوك محظور بموجب مدونة قواعد السلوك هذه. مثل هذا الانتقام أو أي عواقب ستكون انتهاكًا لمدونة قواعد السلوك هذه.

6. عواقب انتهاك مدونة السلوك

قد يؤدي أي انتهاك لقواعد السلوك هذه من قبل الموظفين والعمال إلى عواقب وخيمة ، بما في ذلك الإنهاء والإحالة المحتملة إلى السلطات القانونية.

استمارة استلام

لقد تلقيت نسخة من مدونة قواعد السلوك مكتوبة بلغة أفهمها. أفهم أنه إذا كان لدي أي أسئلة حول مدونة قواعد السلوك هذه ، فيمكنني الاتصال بالمسؤول البيئي والاجتماعي للمشروع لأي توضيح.

اسم الموظف \ العامل: _____]

التوقيع: _____

التاريخ: _____

التوقيع بالتصديق لممثل وزارة الصحة

الإسم والتوقيع: _____

التاريخ: _____

المرفق 1: السلوكيات التي تشكل الاستغلال والاعتداء الجنسيين (SEA) والسلوكيات التي تشكل تحرشًا جنسيًا (SH)

التزام فردي موقع بشأن العنف القائم على الاختلاف الاجتماعي والجنسي

أنا، الموقع ادناه، أقر بأن الاستغلال والاعتداء الجنسيين (SEA) والتحرش الجنسي (SH) محظوران. بصفتي موظفًا في مشروع الاستجابة الطارئة لفيروس Covid-19 في الضفة الغربية وغزة و / أو وزارة الصحة في فلسطين ، أقر بأن أنشطة SEA و SH في موقع العمل أو محيط موقع العمل أو في مخيمات العمال أو المناطق المحيطة بها. يشكل المجتمع انتهاكًا لمدونة قواعد السلوك هذه. أفهم أن أنشطة SEA و SH هي أسباب للعقوبات أو الإهانة المحتمل للتوظيف. يمكن متابعة محاكمة أولئك الذين يرتكبون جرائم الاستغلال والانتهاك الجنسيين والسلع الخطرة إذا كان ذلك مناسبًا.

أوافق على أنه أثناء العمل في المشروع سوف أقوم ب:

- معاملة جميع الأشخاص ، بمن فيهم الأطفال (الأشخاص الذين تقل أعمارهم عن 18 عامًا) ، باحترام بغض النظر عن الجنس أو العرق أو اللون أو اللغة أو الدين أو الرأي السياسي أو غير السياسي أو الأصل القومي أو العرقي أو الاجتماعي أو الهوية الجنسية أو التوجه الجنسي أو الملكية ، الإعاقة أو الولادة أو أي حالة أخرى.
- الالتزام بخلق بيئة تمنع الاستغلال والانتهاك الجنسيين وسوء المعاملة وتعزز قواعد السلوك هذه. على وجه الخصوص ، سأسعى إلى دعم الأنظمة التي تحافظ على هذه البيئة.
- عدم المشاركة في الاستغلال والاعتداء والتحرش الجنسي كما هو محدد في مدونة السلوك هذه وكما هو محدد في القوانين الفلسطينية.
- عدم استخدام لغة أو سلوك تجاه النساء أو الأطفال أو الرجال بشكل غير لائق أو مضايق أو مسيء أو قد يعتبر جنسيًا أو مهينًا أو غير لائق ثقافيًا.
- عدم المشاركة في اتصال أو نشاط جنسي مع أي شخص دون سن 18. لا يعتبر الاعتقاد الخاطيء بشأن عمر الطفل دفاعًا. كما أن موافقة الطفل ليست دفاعًا. لن أشارك في أعمال تهدف إلى بناء علاقة مع قاصر تؤدي إلى نشاط جنسي.
- عدم التماس / الانخراط في خدمات جنسية مقابل أي شيء كما هو موضح أعلاه.
- ما لم تكن هناك موافقة كاملة من جميع الأطراف المعنية ، مع الاعتراف بأن الطفل غير قادر على إعطاء الموافقة والطفل هو أي شخص يقل عمره عن 18 عامًا ، فلن يكون لدي أي تفاعلات جنسية مع أفراد المجتمعات المحيطة. وهذا يشمل العلاقات التي تنطوي على الامتناع أو الوعد بتقديم منفعة فعلية (نقدية أو غير نقدية) لأفراد المجتمع مقابل الجنس - يعتبر هذا النشاط الجنسي "غير رضائي" بموجب هذا القانون.

كما التزم ب:

- الالتزام بأحكام مدونة السلوك هذه داخل وخارج موقع المشروع.
- الحضور والمشاركة بنشاط في الدورات التدريبية المتعلقة بمنع الاستغلال والاعتداء والتحرش الجنسي كما يطلب صاحب العمل.
- إذا كنت على علم أو أشتبته في وجود استغلال واعتداء وتحرش في مكان العمل أو موقع المشروع أو المجتمع المحيط ، فأنا أتفهم أنه يتم تشجيعي على الإبلاغ عن ذلك إلى آلية الإبلاغ عن المظالم (GRM) أو مديري. ستكون سلامة وموافقة العواقب المترتبة على الشخص الذي عانى من الإساءة جزءًا من الاعتبارات التي سأأخذها عند الإبلاغ. أفهم أنه يُتوقع مني الحفاظ على السرية في أي أمور متعلقة بالحادث لحماية خصوصية وأمن جميع المعنيين.

العقوبات:

أفهم أنه في حالة خرق مدونة قواعد السلوك الفردية هذه ، سيتخذ صاحب العمل إجراءً تأديبياً قد يشمل:

- تحذير غير رسمي أو تحذير رسمي
- تدريب إضافي
- فقدان الراتب
- وقف العمل (براتب أو بدون دفع)
- إبلاغ الشرطة أو السلطات الأخرى حسب مقتضى الحال.

أفهم أنه من مسؤوليتي الالتزام بمدونة قواعد السلوك هذه. وسأتجنب الأفعال أو السلوكيات التي يمكن أن تفسر على أنها استغلال واعتداء وتحرش جنسي. أي إجراءات من هذا القبيل ستكون خرقاً لمدونة قواعد السلوك الفردية هذه. أقر بأنني قد قرأت مدونة قواعد السلوك الفردية ، وأوافق على الامتثال للمعايير الواردة في هذا المستند ، وأنفهم أدوار ومسؤولياتي لمنع الاستغلال والاعتداء والتحرش الجنسي. أفهم أن أي إجراء يتعارض مع مدونة قواعد السلوك الفردية هذه أو الفشل في التصرف المنصوص عليه في مدونة قواعد السلوك الفردية هذه قد يؤدي إلى اتخاذ إجراء تأديبي وقد يؤثر على عملي المستمر.

اسم الموظف \ العامل: _____

التوقيع: _____

التاريخ: _____

ممثل وزارة الصحة:

الاسم: _____

التوقيع: _____

التاريخ: _____

المرفق 1 لمدونة قواعد السلوك

السلوكيات التي تشكل الاستغلال والاعتداء الجنسيين (SEA) و السلوكيات التي تشكل تحرشاً جنسياً (SH)

تهدف القائمة غير الشاملة التالية إلى توضيح أنواع السلوكيات المحظورة

تشمل أمثلة الاستغلال والاعتداء الجنسيين ، على سبيل المثال لا الحصر:

- يخبر عامل المشروع أحد أفراد المجتمع أنه يمكنه الحصول على وظائف متعلقة بموقع العمل (مثل الطهي والتنظيف) مقابل ممارسة الجنس.
- يقول أحد العاملين في المشروع والمسؤولين عن اللقاحات أنه يمكنهم تقديم التطعيمات للنساء مقابل ممارسة الجنس.
- يقوم أحد العاملين في المشروع باغتصاب أحد أفراد المجتمع أو الاعتداء عليه جنسياً
- يمنع عامل المشروع أي شخص من الوصول إلى الموقع / الخدمات ما لم يقدم خدمة جنسية
- يخبر عامل المشروع الشخص الذي يتقدم للحصول على عمل بموجب العقد أنه لن يقوم بتوظيفه إلا إذا مارس الجنس معه.

أمثلة على التحرش الجنسي في سياق العمل

- تعليق عامل المشروع على مظهر عامل أو طاقم مشروع آخر (سواء كان إيجابياً أو سلبياً) والرغبة الجنسية.
- عندما يشكو عامل المشروع من التعليقات التي أدلى بها عامل آخر على مظهره / مظهرها ، يعلق العامل الآخر في المشروع بأنه "يتطلب ذلك" بسبب طريقة لبسها.
- اللمس غير المرغوب فيه للعامل / الموظفين من قبل عامل آخر في المشروع
- يخبر عامل المشروع عامل آخر في المشروع أنه سيحصل له / لها على زيادة في الراتب ، أو ترقية إذا أرسل له / لها صوراً عارية لنفسه.