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<tr>
<td>LLFP</td>
<td>Learning for the Future Project</td>
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<tr>
<td>CPD</td>
<td>Continuous Professional Development</td>
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<tr>
<td>DDR</td>
<td>Due Diligence Report</td>
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<tr>
<td>DSEI</td>
<td>Draft Statement of the Environmental Impact</td>
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<td>ECD</td>
<td>Early Childhood Development</td>
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<td>ECE</td>
<td>Early Childhood Education and Care</td>
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<td>EHS</td>
<td>Environment, Health and Safety General Guidelines</td>
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<td>ES</td>
<td>Environmental Specialist</td>
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<td>ESA</td>
<td>Environmental and Social Assessment</td>
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<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
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<td>ESF</td>
<td>Environmental and Social Framework</td>
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<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
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<td>ESS</td>
<td>Environmental and Social Standards</td>
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<td>FS</td>
<td>Feasibility Study</td>
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<td>GFP</td>
<td>Grievance Focal Point</td>
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<td>GRM</td>
<td>Grievance Redress Mechanism</td>
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<td>GRS</td>
<td>Grievance Redress Service</td>
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<td>H&amp;S</td>
<td>Health and Safety</td>
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<td>LC</td>
<td>Labour Code</td>
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<tr>
<td>LMP</td>
<td>Labor Management Procedures</td>
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<tr>
<td>MoES</td>
<td>Ministry of Education and Science</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<tr>
<td>OHS</td>
<td>Occupational and Health and Safety</td>
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<tr>
<td>OP</td>
<td>Operational Policy</td>
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<tr>
<td>PCU</td>
<td>Project Coordination Unit</td>
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<tr>
<td>POM</td>
<td>Project Operational Manual</td>
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<tr>
<td>PPE</td>
<td>Personal Protective Equipment</td>
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<tr>
<td>SAEPF</td>
<td>State Agency for Environmental Protection and Forestry</td>
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<tr>
<td>CbKs</td>
<td>Community-based kindergartens</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
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</tbody>
</table>
1. **INTRODUCTION**

1.1. **Project background**

The project seeks to enhance learning outcomes by preparing children for raising their readiness for learning; building teachers’ competencies and pedagogical skills to make them more effective in the classroom; strengthening assessment for generating data and information to measure progress and inform learning and aligning the critical resources and materials to support teaching and learning. These evidence-based interventions will increase learning attainment in reading, math, science and in turn contribute to more effective acquisition of basic skills and the foundation for adaptability, creativity and life-learning. The **project development objective** is to enhance school readiness and teacher effectiveness in pre-school through secondary education in targeted communities.

The Project is being prepared under the World Bank’s new Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank’s Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The project recognizes the significance of, and adopts the ESSs, for identifying and assessing as well as managing the environmental and social risks and impacts associated with this investment project. The reviews undertaken by the Bank has classified environmental and social risks as moderate. As a response, MoES as an implementing agency, has developed several key instruments to address the same. One of the Standards – ESS2 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.

1.2. **Project components**

Aligned with the project development objective, the proposed project components and key activities are as follows:

**Component 1: Enhancing Teaching and Learning early learning**

a) **Subcomponent 1.1: Expanded school readiness for underserved children**

b) **Subcomponent 1.2: Increased effectiveness in teaching practice**

c) **Subcomponent 1.3: Technology-enabled support for learning**

d) **Subcomponent 1.4: Enhancing measurement of learning**

**Component 2: Managing implementation for results**

a) **Sub-component 2.1: Implementation Support**

b) **Sub-component 2.2: Citizen engagement**
1.3 Environmental and Social Aspects

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.

2. OVERVIEW OF LABOR USE ON THE PROJECT

ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The Concept Stage ESRS envisaged that the project would include direct workers (employees of MoES PIU) as well as contracted workers (employees of civil works contractors). This section describes the following, based on available information:

2.1. Type of Workers

Direct workers

A Project Coordination Unit (PCU) will be established to carry out such key functions as coordination, fiduciary, monitoring and evaluation, and reporting. The PCU will be led by a Director. The PCU will have the following positions with:

- overall project responsibilities for Financial Management, Procurement, Monitoring and Evaluation, Safeguards;
- technical responsibilities to support institutions or departments involved in project components implementation, and;
- support services (office manager, translator, driver).

PCU staff will be hired for the implementation of this project and they are not civil servants.

Contracted Workers

For small-scale renovation works under sub-component 1.1. contracted workers are expected under civil work contracts.

2.2. Number of Project Workers

Direct Workers. Total number of PCU staff is estimated 16, but will be clarified when project implementation begins.

Contract Workers. The number of project contracted workers who will be employed are not known as of now. This will become known as and when implementation begins.

2.3. Characteristics of Project Workers

The PCU will be led by a Director and consist of a Financial Management (FM) specialist, an Accountant, one or two Procurement specialists as needed, a Monitoring and Evaluation specialist, one or two safeguard specialists and Administrative staff for support and interpretation.
11 Program Consultants will be hired by the MoES to support institutions or departments involved in project components implementation: on early childhood development; on teacher trainings; on digital equipment/platforms and content development; and on measurement of learning.

12 Given small-scale civil works under sub-component 1.1, the semiskilled construction labor will be drawn from the labor force market in Kyrgyzstan by the contractors for CbKs renovations works, it is likely the workforce, especially the lower-skilled workers, will be predominantly male.

2.4. Timing of Labor Requirements

13 The direct workers at PCU will generally be required full time and around the year for the project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of contracted workers will be known at later stages, however it is clear that they will be engaged depending on implementation of various sub-components on specific time slots.

14 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 weather conditions. So, it will be up to the contractor to mobilize labor force to coincide with the type of work and the season. The work hours should not exceed 8 hours a day, with the provision of at least 1 hour for the rest.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

This section describes the following, based on available information:

15 Labor risks associated with contracted workers at subproject level. There is non-existence of construction activities under most the proposed project components and no major risks are envisaged. Only under sub-component 1.1. small-scale renovation works will be implemented by local contractors and where possible contracted workers will be hired locally. 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, following procedures as specified in the World Bank’s Procurement Regulations.

16 Labor risks including labor influx and associated Gender-Based Violence (GBV), and child labor are considered low given the small size of subproject construction works and the PCU’s adherence to the national labor code which prohibits forced labor (article 10, Labor Code). Since civil works to be supported under the under sub-component 1.1. will be very small in scale and prioritized by PCU, the risk of forced labor is expected to be small. Nonetheless, the contractors will be required in the contract to commit against the use of forced labor, and MoES PCU staff in charge of contractor supervision will monitor and report the absence of forced labor.

17 Occupational Health and Safety (OHS) risks are low to moderate and will depend on the type of sub-components works to be implemented. All contractors hired for small-scale renovation works under sub-component 1.1. will be required to develop and implement written labor management procedures, including procedures to establish and maintain a safe working environment as per
requirements of ESS2. All contractors under sub-component 1.1. will be required under the Environmental and Social Management Plan (ESMP) to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project’s Environmental and Social Management Framework (ESMF).

18 **Employment Risks.** Workers will be hired by the MoES PCU, either directly as project staff or indirectly as part of contracts with Consultants or service providers. The practice shows that civil works subcontractors do practice a labor contract with a lump-sum payment for a certain type of service or scope of work. Where the duration of labor will be limited to several months.

**Overtime work risks.** There is a risk that the current practice of unaccounted working hours and lack of compensation for overtime will continue. According to Labour Code of KR with the employer concurrence, the direct workers will receive other rest hours in another day as compensation for overtime (Article 174). The project will seek to address the risk through informing Direct Workers their rights and establishing a Grievance Redress Mechanisms for Direct Workers.

4. **BRIEF OVERVIEW OF NATIONAL LEGISLATION**

4.1. **National labor legislation: Terms and conditions**

19 The legislation of the Kyrgyz Republic on labor protection is based on the Constitution of the Kyrgyz Republic and consists of the Labor Code, the Law on labor protection and other regulatory legal acts of the Kyrgyz Republic.

20 The Constitution of the Kyrgyz Republic on labour conditions and occupational safety provides everyone the right to:
   - Safe labour. Using forced and child labor shall be prohibited. (Article 23);
   - The right to rest. Everyone shall have the right to leisure. Establishing maximum working time, paid annual leaves, weekly days off, and other conditions prescribed by law, shall ensure this right. (Article 44);
   - Protection of health. Everyone shall have the right to health care. (Article 47); and
   - Social security. Everyone shall be guaranteed social security in old age, in the time of sickness, invalidity and loss of ability to work, or loss of a guardian in instances and order prescribed by law. (Article 53).

21 Labor Code of the Kyrgyz Republic No. 106 dated August 4, 2004 is the fundamental legislative act aimed to regulate all labor matters arising in the Kyrgyz Republic. 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 9 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.

**Wages and deductions**

22 Contracts and collective agreements establish the form and amount of compensation for work performed. The monthly salary of an employee who has worked during this period the norm of
working hours and fulfilled the labor standards (labor duties) cannot be lower than the minimum wage established by law. The minimum wage does not include surcharges and allowances, bonuses and other incentive payments, as well as payments for work in conditions deviating from normal, for work in special climatic conditions and in territories exposed to radioactive contamination, other compensation and social payments. (Article 154).

23 Employer can pay workers at least once per month (Article 157). 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. (Article 161).

Working hours
24 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 (Article 90).

25 For pedagogical workers of educational organizations, a reduced working time of no more than 36 hours per week is established (Article 379). Depending on the position and (or) specialty, the teaching staff of educational organizations, taking into account the peculiarities of their work, the duration of working hours (norms of hours of teaching work at a wage rate) is determined by the Government of the Kyrgyz Republic. Teachers are allowed to work part-time, including in a similar position, specialty (Article 379).

26 Employers must provide women with children up to 18 months with additional thirty-minute breast feeding time every three hours a day, and mothers with two or more children with additional one-hour time-off a day. Upon the worker request, additional time offs are summed with lunch and rest break, or summed and used at the beginning or end of the working days (shifts) in accordance with reduced working hours (Article 309). Details of time off are established in contracts/agreements.

27 Article 304 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.

Rest time (breaks)
28 Types of rest time are (Article 109):
- breaks during the working day (shift);
- daily (inter-shift) rest;
- weekends (weekly continuous rest);
- non-working holidays;
- vacation.

29 The employees must be granted a rest and meal break during the workday. Time and duration is regulated by internal work rules, shift schedules, or by an individual employment contract or a collective agreement between the employer and employee (Article 110).

Leaves
30 In addition to national holidays, employees have to receive at least 28 calendar days days of paid leave per year, with workers under 18 years of age and disabled employees receiving 30 days.
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.

Women are provided maternity leave upon application, the employee is granted additional leave without preserving wages for caring for the child until the child reaches the age of three years. By agreement of the parties, leave to care for a child until he reaches the age of three years may be granted at any time and any duration. Childcare leave can be used in full or in parts also by the child’s father, grandmother, grandfather, other relative or guardian who actually cares for the child.

Overtime work

Work beyond the normal working hours can be done either on the initiative of the employee (part-time job) or on the initiative of the employer - overtime work (Article 98).

Remuneration for overtime work is paid for the first 2 hours of work at least one and a half times, for the next hours - at least twice. The specific amount of overtime pay may be determined by a collective agreement or an employment contract. At the request of the employee, overtime work instead of increased pay can be offset by the provision of additional rest time, but not less than the time worked overtime. Work outside the normal working hours, part-time, is paid depending on the time worked or production (Article 174).

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 Kyrgyz Republic and working conditions provided by labour agreement (contract) and collective agreement and contracts (Article 356).

Individual labor disputes are considered by labor dispute commissions, an authorized state body in the field of supervision and control over compliance with labor laws and courts. The employee of his choice may apply for the resolution of the labor dispute to the labor dispute committee or the authorized state body in the field of supervision and enforcement of labor legislation or directly to the court. In cases where the labor dispute commission is not created in the organization, the labor dispute is subject to consideration directly by the authorized state body in the field of supervision and monitoring of compliance with labor legislation or in court (Article 412).

Grievances

Law on Appeals of Individuals and Legal Entities (from May 4, 2007) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 8 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.

4.2. Brief overview of national legislation: occupational health and safety

The occupational safety issues are addressed in the Constitution of the Kyrgyz Republic. Under Article 42, the citizens of the Kyrgyz Republic have the right to free work, to use their labour capabilities, to choose their occupation and area of activities, the right to safe labour conditions that meet the requirements of safety and hygiene and the right to remuneration for their work and social security not below the living minimum established under the law.
The Labour Code of the Kyrgyz Republic, introduced on July 1, 2004, has a section on occupational safety and health (OHS). The Labour Code of the Kyrgyz Republic establishes the obligations of the employer to ensure occupational safety, state regulations on occupational safety and the duties of the employee in the field of OSH. The employee is guaranteed occupational safety, training and instruction, sanitary, welfare and medical services. The Code treats of the issues of the creation and activities of the occupational safety services, investigation and record of occupational accidents and diseases, the award of benefits and compensations depending on the labour conditions.

The Law of the Kyrgyz Republic on Occupational Safety which came into force on August 1, 2003 sets the legal framework for the relations between the employers and employees and is aimed at creating labour conditions that meet the requirement of preserving the life and health of the employees at work. The law sets down the guidelines of state policy on occupational safety and the principles of state management of occupational safety.

Access to state officials from state bodies on labour protection and social insurance, as well as representatives of public monitoring to check the working conditions and work safety measures at organizations and investigate the accidents at work and professional diseases.

Employees, on the other hand, are required to pass initial and periodic tests medical examinations, pass training and periodic in instructions on safety requirements (Article 12), and to carry out medical and health measures that are prescribed by medical institution if paid by employer (Article 16).

5. ESS2 and POLICY GAP

5.1. The World Bank Environmental and Social Standards (ESS): Standard 2

The World Bank’s stipulations related to labor are outlined in its ESS2. Implementing agency promotes sound worker-management relationships and provides 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;
- Secure protection of 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.

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.
**45.** Working conditions and management of worker relationships. PCU will develop and implement internal 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 contract workers.

**46.** 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 law and ESS requirements (which will include collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits. This information will be provided at the beginning of the working relationship and when material changes occur.


### 5.2. Policy Gap

**48.** Comparison of key OHS related World Bank Requirements with Kyrgyz Republic Legal Requirements

<table>
<thead>
<tr>
<th>ESS &amp; Topic</th>
<th>Major WB requirements</th>
<th>Major WB requirements Key requirements/gaps in Kyrgyz Republic 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 | • Written employment contract required, including procedures and employment conditions.  
• Non-discrimination and equal opportunity requirements exist.  
• No provision for Labor Management Plans. |
| B. Protecting the workforce | • Child labor prohibition  
• Forced labor prohibition | • Child labor prohibited (under 14).  
• No forced labor is allowed. |
| C. Grievance mechanism | GRM should be in place for direct and contracted workers | • No specific GRM process for employees working with individual employment contracts.  
• Grievance registration and follow-up procedures are available through the Law on Appeals of Citizens. |
D. Occupational Health and Safety

- Detailed Procedure required for every project.
- Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and
- Monitor OHS performance

- No detailed procedure specific to every project.
- Requirements to protect workers, train workers, document incidents, emergency preparation.

E. Category of workers

- Specifies categories of workers
- No such classification

F. Minimum age of workers

- Minimum age for employment is 14;
- A child between 14-18 may be employed or engaged only in certain conditions

- Employment permissible for 14 plus age, but with guardian permission.
- 14-18 years are not permitted to work under difficult and unsafe working conditions

6. RESPONSIBLE STAFF

49 The PCU will be directly supervised by the MoES and/or will report to responsible staff within MoES appointed by the Minister. The PCU coordinator, on a daily basis, will coordinate the project activities including relations with direct employees, contractors and suppliers.

50 The PCU’s Safeguards Specialist will be responsible for the following:

- Implement this labor management procedure.
- Ensure that civil works contractors comply with these labor management procedures, and also prepare occupational health and safety plans before mobilizing to the field.
- Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project’s ESMF, as detailed in the Project Operations Manual (POM).
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by Kyrgyz Republic law and respective contracts between PCU and the contractors.
- Monitor contractors and subcontractors’ implementation of labor management procedures.
- Monitor compliance with occupational health and safety standards at all workplaces in line with Kyrgyz Republic occupational health and safety legislation.
- Monitor and implement training on LMP and OHS for project workers.
- Ensure 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.
- Monitor implementation of the Worker Code of Conduct.
POM will include standard templates of contracts which include LMP, 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 in line with the ESMF provisions and stated in the contracts signed with PCU. If the number of workers (direct + contracted) is above 50, then Contractors will develop their own LMPs and OHS plans.
- 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 MoES PCU 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 on safe labour under Kyrgyz Republic law, on the risks of their jobs, and on measures to reduce risks to acceptable levels.
- In collaboration with PCU Safeguards Consultant 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.

7. POLICIES AND PROCEDURES

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 MoES PCU 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 surrounding communities, 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.
• Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the 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 work permits, which will allow them to work in Kyrgyzstan.
• All workers will be 18 years old or above for civil works. This will be a requirement in MoES PCU contracts with civil works contractors.
• 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.

53 The Contractors will be responsible for the following:
• To obey requirements of the national legislation and this labor management procedure;
• Maintain records of recruitment and employment process of contracted workers;
• Communicate clearly job description and employment conditions to contracted workers;
• Have a system for regular review and reporting on labor, and occupational safety and health performance.

8. AGE OF EMPLOYMENT

54 The Kyrgyz Republic law prohibits anyone under 18 from performing “unhealthy or heavy” and there are special requirements for leave, work hours, and other conditions of employment. Employer will ensure that no construction workers under 18 years are employed. Under 18 years old employees are allowed to work in sectors with no health risks with the following reduced working hours: the employees aged 14 to 16 years old - no more than 24 hours a week, from 16 to 18 years old - no more than 36 hours a week.

55 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, national identification card, passport, or medical or school record. If a minor under the minimum labour eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

9. TERMS AND CONDITIONS

56 The employment terms and conditions applying to MoES PCU employees will be set out in this document. These internal labor rules will apply to all MoES PCU 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.

57 The precise number of project workers who will be contracted are not known as of now. This will become known as and when implementation begins.

58 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 Kyrgyz Republic Labor Code and specified in the standard contracts to be used by the MoES PCU under the project, which will be provided in Project Operations Manual and follow this LMP and the project ESMF.

59 In addition to these professionals, the MoES PCU shall hire as many individual consultants as needed to help with the implementation of specific project activities over the course of the implementation. All the consultants will be trained on the World Bank policies and procedures and with additional implementation support after project effectiveness.

10. GRIEVANCE MECHANISM

10.1. The Project workers’ GRM

60 A grievance mechanism (GM) will be provided for all direct workers and contractual workers to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers, will be sufficient to meet ESS2.

61 The project specific GM for the workers will essentially be at two levels - one at the PCU level and the other in the Ministry level (MoES). It should be emphasized that this GM is not an alternative/substitution to legal/juridical system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages. Having said that, all employees always have rights, according to Kyrgyzstan legislation, to access judicial/legal grievance management system. The Project workers’ grievance mechanism will not prevent workers to use judicial procedure.

62 The project will establish a step-by-step GM procedure for the Project workers consistent with the ESS2 before the Project Effectiveness and describe them in the Project Operations Manual (POM). Essentially, it will be at two levels. This GM is not same as the grievance mechanism to be established for project affected stakeholders.

63 GM will be accessible to all employees through various means (written, telephone, fax, social media etc.). Grievance logbook will be maintained in the PCU’s office.
Direct workers’ GM structure

64 **PCU level.** Direct workers can air their grievances to the PCU level. A reference to this effect will be made in their contracts as well. Safeguards specialist will serve as Grievance Focal Point (GFP) to file the grievances and appeals. He/She will be responsible to coordinate with relevant departments/organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PCU level within 7 working days, then it will be escalated to the Ministry level.

65 **Ministry level.** If there is a situation in which there is no response from the PCU level, or if the response is not satisfactory then complainants and feedback providers have the option to contact the Focal Person in Human Resources Department of the MoES directly to follow up on the issue. The complaints should be considered and feedback provided within next 7 working days.

Contracted workers’ GM structure

66 **Contractor’s level.** Contractors should develop its own GM and to resolve the grievances of contracted workers. Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If the issue cannot be resolved at contractor’s level within 7 working days, then it will be escalated to the PCU level.

67 **PCU level.** If there is a situation in which there is no response from contractor’s level, or if the response is not satisfactory then complainants and feedback providers have the option to contact PCU’s Safeguards specialist directly to follow up on the issue.

10.2 World Bank Grievance Redress System

68 The project workers 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 workers 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/projectsoperations/products-and-services/grievance-redress-service. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

11. CONTRACT MANAGEMENT

69 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 Kyrgyz legislation.

70 MoES PCU 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.

71 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.