

**Labor Management Procedures (LMP)**  
**Tajikistan**  
**Early Childhood Development Project to build Tajikistan's Human Capital (ECDP)**  
**(P169168)**

**1. INTRODUCTION**

**1.1. Background Information**

1. The World Bank (WB) and Government of Tajikistan (GOT) are currently engaged in preparing an Early Childhood Development (ECD) Project mainly aimed at enhancing access to early childhood facilities and ensured increased enrollment. This project is an important component of Pillar I of the WB Country Partnership Framework (CPF) (Human Capital and Resilience) with Tajikistan and builds on the Systematic Country Diagnostic's (SCD) focus on early childhood education and poverty reduction. Project activities will focus on child growth and development (social, cognitive, language and motor skills) monitoring and will address the factors that contribute to nutrition, under-5 mortality and educational opportunity, which have been identified in the SCD and CPF. These areas are also consistent with the World Bank's intention to support the Government of Tajikistan (GoT) in investing in its people to secure future productivity and competitiveness.
2. A long-term approach to Early Childhood Development (ECD) service delivery is envisioned. This project is the first in a series of projects (SOP), providing the foundations for a long-term engagement between the Bank and the GoT in the ECD space. The proposed Project would seek to build the enabling environment for integrated multisectoral ECD programming, with interventions that will improve the coverage and effectiveness of ECD services, resulting in improved school readiness of children in target districts, with a national system adopted for sustainability and further expansion of services after the project. To avoid fragmentation, the components will not be divided by sectors but based on the level of the interventions, namely: (i) at the national level to establish the enabling environment for ECD; (ii) in targeted districts where ECD interventions will be carried out; and (iii) to support project management of the project. The project will cover 14 districts with the lowest gross enrollment ratio (GER) among children ages 3-6 in three regions, including Khatlon, Sughd and Districts of Republican Subordination (DRS). Gorno-Badakhshan Autonomous Oblast (GBAO) region will be covered by the nation-wide activities, no target sites are selected from this region.
3. The project recognizes the significance of, and adopts the World Bank's Environmental and Social Standards, for identifying and assessing as well as managing the environmental and social (E&S) risks and impacts associated with this investment project. The reviews undertaken by the Bank has classified environmental and social risks as moderate and substantial respectively. As a response, Government of Tajikistan through the Ministry of Finance of Tajikistan (MoF), the Project implementing agency, has developed several key instruments to address the same. One such instrument is the Labor Management Plan (LMP).

**1.2 About the Project**

4. The ECDP's development objective is to increase utilization of a basic package of health and preschool education services for 0 to 6-year-old children. The Project consists of four interrelated

components. Component 1 will strengthen the system capacity the MoHSP and MoES to deliver a Basic Package (BP) of services that promote improved ECD outcomes. Under this component, the project will: (i) update and development of the guidelines, programs, materials and resources for implementation a basic package of services for ECD; (ii) provide managerial staff and trainers with relevant training to build their knowledge and capacity to oversee and implement the BP; (iii) develop national monitoring and evaluation system on ECD and carrying evaluation of the project interventions; (iv) support financing reforms for enhanced services that promote improved ECD outcomes and (v) develop a cohesive and coordinated ECD regulatory framework, including governance, financing mechanism, and staffing. Component 2 will support nation-wide implementation of elements of the BP through social and behavioral change communications and roll out of the Child Growth Development Monitoring (CGDM) Program. It will finance: (i) Social and Behavioral Change Communications (SBCC) and (ii) Nation-wide introduction of developmental monitoring. This component will also finance rehabilitation, training and equipment to districts primary healthcare centers (PHCs) and other rehabilitation services to support further assess, treatment and rehabilitation of children referred from rural PHC Centers. Component 3 will improve access to the BP by supporting local administrations and communities in targeted districts in developing, implementing and monitoring their ECD plans aligned with the goals of the BP. Activities will focus on rehabilitation and provision of equipment, supplies and training for selected PHC facilities, increasing support to nurses implementing the CGDM program, and expansion in access to preschool education. Districts will be provided with operating funds to support the implementation of the District ECD plan. Technical assistance will also be provided in order to provide timely reports of enrollments to mahallas and districts for monitoring of the ECD plans. Component 4 will provide support for the execution of project management and coordination activities.

5. The Project areas are 14 target districts, including Kushoniyon, Vakhsh, Vose, Dusti, Kubodiyon, A.Jomi, Jayhun, Hamadoni in Khatlon, K.Mastchoh in Sughd province, Varzob, Rudaki, Tajikabad, Faizabad, and Hissar in DRS, which have the lowest gross enrollment ratio (GER) among children ages 3-6 with an average of 4.3 percent. GBAO region will be covered by the nation-wide activities under SBCC outreach and CGDM Program rollout. However, no target sites are selected from this region.
6. The project will finance: (i) construction of three (3) new kindergartens (KGs), retrofitting existing spaces to accommodate new students in 55 KGs, and construction and retrofitting of up to 500 ELCs; (ii) establishing up to 1,500 community children development groups (CCDGs); (iii) recruitment of new kindergarten (KG) and early learning centers (ELC) teachers, CCDG facilitators, and coaches/methodologists; (iv) training of teachers, facilitators, coaches and other staff; (v) procurement and distribution of appropriate classroom furniture and equipment; (vi) production and distribution of teaching and learning materials (TLMs) to all KGs, ELCs and CCDGs supported by the project; and (vii) quarterly coaching visits to KGs, ELCs and CDGs supported by the project. The teaching and learning materials provided to CCDGs will be of sufficient quantities to enable caregivers to borrow materials to take home and read or play with their children.
7. Project Beneficiaries: The national policy development will benefit 250,000 newborns each year for a six-year project and beyond the project closing. These cohorts of newborns will continue to

benefit from the new policies over the period of early childhood, and beyond. Component 3 interventions in the targeted districts will support children ages 0-3 through the child growth development monitoring (CGDM) program and 3-6 through the preschool program. The CGDM program will benefit an average of 200 children per PHC per year in targeted districts. Total number of beneficiaries from CGDM program in 14 targeted districts (25 PHCs per district) will be a cumulative number of 250,000 children. The preschool programs have different interventions for different ages: age 3-5 benefits mainly from CCDGs and KGs, and age 6 mainly benefit from ELCs and KGs. Approximately 27,000 children 3-6 years are expected to benefit from the preschool expansion program. The project will also benefit a number of intermediate beneficiaries, including parents and caregivers, nurses and health practitioners, newly recruited and existing preschool teachers in preschool facilities, communities, and district and sub-district level officials. About 150,000 mothers will receive improved access to antenatal care, and 100,000 young couples will receive family planning and parenting sessions. Parents will receive education sessions to improve parenting practices at home, in creating stimulating environment for their children as the first teachers. Around 2,900 preschool teachers will receive training applied to young children on the principle “learning through playing” and continuous professional support from coaches. Officials at provincial and districts and village levels will benefit from the project training in planning, budgeting and exercising their autonomy and accountability in implementing an approved ECD plan at district and provincial level.

8. The project offers support to policy development at the national level and implementation of the policies through extensive rollout in the target districts. This approach allows the country to develop a comprehensive policy and institutional framework for ECD and achieve concrete ECD outcomes delivered through the selected districts through focused capacity building and implementation support.

### **1.3 Environmental and Social Aspects**

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

### **1.4 Scope and Structure of the LMP**

10. Scope of the LMP shall be as outlined in the World Bank’s ESS 2. The engagement will be planned as an integral part of the project’s environmental and social assessment and project design and implementation. This document includes ten chapters. This chapter viz., Chapter 1 serves as Introduction. An overview of labor use in the project is presented in Chapter 2. Key potential labor risks are listed in Chapter 3. Legislative Framework governing labor employment in Tajikistan and a gap analysis with that of the World Bank’s ESS 2 is discussed in Chapter 4. Implementation

Arrangements, Age Requirement, Policies and Procedures and Timing of labor requirements follows in the subsequent chapters. Grievance Redress Mechanism and Contractor Management are presented in the last two chapters 9 and 10 respectively.

## 2. OVERVIEW OF LABOR USE IN THE PROJECT

### 2.1 Type of Workers

11. ESS 2 categorizes the workers into: direct workers, contracted workers, community workers and primary supply workers. The Concept Stage Environment and Social Review Summary (ESRS) envisaged that the project would encompass the following categories of workers: direct workers, contracted workers, community workers, and primary supply workers. However, as the design of the project unfurled, it became clear that community workers are not relevant, because communities are not expected to provide labor as a contribution to the project and because the project is not designed to provide a social safety net, or targeted assistance to people affected by fragility and conflict. Local community members may be hired as the Contracted Workers by the contractors based on terms of contract that are consistent with this LMP. About primary supply workers the project will source directly teaching and learning materials and goods essential for the core functions of the project from suppliers. Thus, only three categories of workers are expected. One, direct workers, those deployed as civil servants and ‘technical consultants’ by the project. They will be governed by mutually agreed contracts. Two, contract workers will be employed as deemed appropriate by contractors, service providers, sub-contractors, and other intermediaries, details of which will be known as and when activities' implementation begins. And three, primary supply workers will be employed as deemed appropriate by the primary suppliers of ECD TLM goods and materials.
12. *Direct workers.* The project will be implemented by the Ministry of Finance Project Implementation Group (MoF PIG). According to the Law on Civil Service of the Republic of Tajikistan dated March 05, 2007, #233, apart from the PIG Director, all other staff will not be civil servants, as they will be hired on contract basis for the implementation of a wide range of development projects.
13. *Contracted Workers.* Three broad categories of contracted workers are expected: (i) service providers, and (ii) civil works contractors.
  - Service Providers. The MoF PIG will recruit local *CSOs/firms* to facilitate the ECD Plan development and implementation at the district level. Also *individual consultants* will be attracted to provide technical assistance to the MoF PIG during the project implementation. Both, individual consultants and CSO/firms staff will follow the same legal provisions as the PIG local staff based on the Labour Code of Tajikistan.
  - Civil Works Contractors. The PIG will also procure services of local civil works contractors at the regional and local level. Contractors will recruit local staff and issue employment contracts and service contracts for the employed people. The PIG accountant will request for copies of all the employment contracts and supportive documents to justice the accuracy of the employment and payrolls and tax payments. The MoF undergoes annual

accounting audit from the Chamber of Accounts, and therefore it keeps all the records accurately to avoid penalties and fines.

14. *Community Workers.* The community workers are not relevant, even if local community members are hired for the project, they will not be hired for the purpose of job creation or as part of CDD approach. They will be hired as Contracted Workers per provisions of the LMP.
15. *Primary supply workers.* The project will directly source goods or training & learning materials essential for the project from primary suppliers. The implementing agency (MoF PIG) will require that primary supply contracts include legal provisions on use of child/forced labor explicit prohibition and compliance with OHS regulations. MoF PIG will identify potential risks of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers during project implementation. The ability of the implementing agency to address these risks will depend upon the PIG's level of control or influence over its primary suppliers. Where remedy is not possible, the PIG will, within a reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements of this ESS.

## **2.2 Number of Project Workers**

16. *Direct Workers.* Total number of workers, the employees of MoF PIU, dedicated to this project is estimated at around 25.
17. *Service Providers.* The precise number of project workers who will be employed are not known as of now. This will become known as and when implementation begins. As regards NGOs, it is quite likely that four NGOs will be recruited or more. Estimated number of contracted workers employed by NGOs may vary up to 50 workers in total. Estimated number of individual consultants to be hired directly by the PIG is around 10, who will provide technical assistance under the different components.
18. *Civil Works Contractors and Workers.* The project proposes some small/ medium scale infrastructure for the construction or rehabilitation of health centers and pre-schools. It will support only limited number (3) of mid-scale sub-project investments in construction of new KGs. The maximum size of mid-scale sub-project is \$1,000,000 per a piece. The rest rehabilitation and retrofitting sub-projects will be of small scale with anticipated cost of is \$80,000 per an individual sub project, although it is anticipated that sub projects will average \$40,000 per a piece. The total number of rehabilitation and retrofitting sub projects is estimated to around 905 (350 PHCs, 55 KGs, and 500 ELCs). The average number of workers expected to be associated with small scale sub projects is estimated at 6. Thus, the total number of civil works contract workers for small and mid-scale civil works is estimated at around 5,500.
19. *Primary Supply Workers.* The estimated number of primary supply workers to be engaged in the project could not be figured out at this stage.

## **2.3 Workforce Characteristics**

20. Given the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of the labor force market in Tajikistan, it is likely the workforce, especially the lower-skilled workers, will be predominantly male. Female workers are expected in NGOs, individual consultants, primary suppliers and PIG. The hiring decisions will be based on the principle of nondiscrimination and equal opportunity. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers. Provisions will be made to train and hire as many as possible from local communities where the activities are taking place.

#### **2.4 Timing of Labour Requirements**

21. The direct workers and NGO workers will generally be required full time and around the year for the project duration. TA consultants and civil works contract 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. So, it will be up to the contractor to mobilize labor force to coincide with the type of work and the season.

### **3. POTENTIAL LABOR RISKS**

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

22. *Labor risks associated with contracted workers at subproject level.* Subprojects will be implemented by local contractors and all 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.

*Labor risks including labor influx and associated Gender-Based Violence (GBV), and child labor* are considered low given the small size of subproject investments (the ceiling for an individual subproject is \$80,000) and the MoF PIG's adherence to the national labor code which prohibits child and forced labor (article 8, Labor Code). Since civil works to be supported under the project will be very small in scale and prioritized in the ECD plans based on the local communities, the risk of child and forced labor is expected to be small. Nonetheless, the contractor will be required in the contract to commit against the use of child/ forced labor, and PIG staff in charge of contractor supervision will monitor and report the absence of child/ forced labor.

23. *Occupational Health and Safety (OHS) risks* are low to moderate and will depend on the type of subproject works to be implemented. Since the majority of contracted workers are unskilled and untrained local population, however, risk remains that some accidents may occur that lead to injuries. All contractors 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 will be required under the ESMP to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project ESMF.
24. *Employment Risks.* Workers will be hired by the MoF PIG, either directly as PIG staff and individual consultants or indirectly as part of contracts with NGOs, service providers, civil works contractors. The experience with the WB-funded Global Partnership for Education-4 Project

shows that the civil works subcontractors do practice employment contracting and official payrolls to their workers, as they are obliged to follow all legal and regulatory labor and accounting procedures under the GOT executed Loans/Grants. There is a risk that the current practice of unaccounted working hours and lack of compensation for overtime will continue. According to its management, PIG heavily relies on donor-funded projects and has approved budgets per project, and cannot exceed the budget ceilings. The PIG will track the staff working hours by completing the timesheets and restricting overtimes.

25. *Geography and seasonality risks.* Given the mountainous terrain, poor transportation and difficulty in accesses, punctuality in terms of time and labor productivity at times could be below expectations. Attending to accidents and emergencies could also be an issue. Adequate safety measures will be employed in line with the ESMF. Considering hush weather conditions in winter, no civil works will be planned during December-January in rural mountainous areas.

## 4. BRIEF OVERVIEW OF LABOR LEGISLATION

### 4.1 National Legislation

26. *The Constitution of the Republic of Tajikistan (adopted on November 6, 1994) on labour conditions and occupational safety provides everyone the right to:*
- **Safe labour. The use of the labour of women and young persons in hazardous and underground** work as well as work in hazardous labour conditions is prohibited (Article 35);
  - **The right to rest.** That right is ensured by fixing the working hours and providing annual leave, weekly days off and other conditions stipulated under laws (Article 37);
  - **Protection of health.** The state takes measures to improve the environment, promote mass sports, physical culture and tourism (Article 38); and
  - **Social security** in old age in the event of disease, disability, loss of breadwinner and in other cases stipulated under the law (Article 39).
27. *Labor Code of the Republic of Tajikistan No. 1329 dated July 26, 2016* is the fundamental legislative act aimed to regulate all labor matters arising in the Republic of Tajikistan. This Code governs employment relationships and other relations, directly related, directed to protection of the rights and freedoms of the parties of employment relationships, establishment of the minimum guarantees of the rights and freedoms in the sphere of work. Article 7 of the Code prohibits discrimination and guarantees that all citizens have equal rights to work; discrimination in labor relations is prohibited. Any differences, non-admission or preference, denial of employment, regardless of nationality, race, gender, language, religion, political beliefs, social status, education, property, leading to a violation of equality of opportunities in the field of labor, are prohibited.

#### 4.1.1 Relevant Labor Legal Provisions

28. *Forced labor and child labor.* Article 8 of the 2016 Labor Code prohibits forced labor. The Code also sets the minimum age at which a child can be employed as well as the conditions under which

children can work (Articles 113, 67, and 174). The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds (Article 174). In addition, there are some restrictions on what type of work can be done by workers under the age of 18, and what hours of work are permissible. Examples of labor restrictions include that those between 14 and 15 cannot work more than 24 hours per week while those under 18 cannot work more than 35 hours per week; during the academic year, the maximum number of hours is half of this, 12 and 17.5 hours, respectively.

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

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

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

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

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

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.

33. Women are provided *maternity leave* for up to 70 calendar days, or 86 days in case of complicated labors, and then are provided 10- day leave after delivery, with benefits paid from the state social insurance. Maternity leave is calculated in total and is paid in a lump sum, regardless of the actual number of days off before giving birth. After giving birth, a mother may take additional leave until

the child is six months old, again paid by social insurance. She may take unpaid leave until the child is three years of age. Her position is guaranteed upon her return from all these types of leave. In addition, this “baby-minding” leave can be used by the father, grandparents, or other relatives/trustees if they are actually responsible for child care.

34. *Overtime work.* Overtime can be required up to 12 hours per day and is paid with compensatory time or at a rate at least double the normal rate. Night work is paid at 1.5 times the normal rate. Conditions for overtime work are determined in the contract.
35. *Labor disputes.* Labor disputes are considered to be “unregulated discrepancies between the employer and employee on the issues of application of legislative and other normative actions on labour of the Republic of Tajikistan and working conditions provided by labour agreement (contract) and collective agreement and contracts” (Article 189). Disputes may be adjudicated by commissions that are created “on a par with employer and agencies representing the interests of employees,...” (i.e, with equal representation of employee/employees and employer), if such commissions are provided for in labor agreements/contracts (Article 191). Commissions must consider issues within 10 days. If the employer, employee, or their representatives disagree with decisions by a commission, or if the commission does not consider applications within 10 days, any of the parties may appeal to the courts, but that must be within 10 days of the decision (or non-decision). In addition, the public prosecutor may appeal if the decision is contrary to law “or other normative actions” (Article 192).
36. Appeals to the commission or the court must be made within a limited period of time after the event that triggered the dispute: within three months for appeals to a commission and for varying periods for appeals to the court, depending on the nature of the dispute (unlimited for non-property rights and for indemnification for damages to life or health). Employees are exempted from having to pay court costs in such cases.
37. In comparison to individual disputes, collective disputes are “unregulated discrepancies between employers (employers’ unions) and collective of employees (employees’ representatives) on establishment and changing of working conditions in enterprises, signing and implementation of collective agreements and contracts, and also on issues of applying conditions of legislative and other normative and legal actions, collective agreements and contracts.” Mediators are selected by agreement of the parties (that is, the union and the employer’s representatives). If this does not result in agreement, a “labor arbitration” is created by the parties “with the collaboration of district’s or city’s government” (Article 209), with the parties selecting the members and chairperson of the arbitration. The arbitration has 10 days to make a decision. If agreement cannot be reached, it is referred to the labor collective or trade union, which can use all means of the law to resolve the issue, including strikes. If disputes concern the application of legislative “and other normative actions”, they may be referred to the court by one of the parties.
38. *Grievances.* Law on Appeals of Individuals and Legal Entities (from July 23, 2016) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 14 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study.

#### **4.1.2 Occupational Health and Safety Legal Provisions**

39. Occupational health and safety is also governed by the Labor Code. Section 5 of the Law narrates the roles and responsibilities of employers and employees related to occupational health and labour safety. The law requires employers to:
- Be responsible for ensuring safe working conditions and safety of work at every workplace;
  - Apply the means to protect workers individually and collectively (including protective clothing and equipment);
  - Provide appropriate work and rest regimes;
  - Training workers in their jobs and safe methods of work;
  - Provide instructions on labor protection;
  - Test and verify the knowledge of workers in working safely;
  - Provide certifications of workplaces at least every five years;
  - Investigate accidents;
  - Provide sanitation and medical services;
  - Provide access to premises by state officials; and
  - Providing social insurance for accidents and diseases.
40. Employees, on the other hand, are required to pass initial and periodic tests medical examinations, pass training and periodic checks of their knowledge of their jobs and safety requirements, and to carry out medical and health measures that are prescribed by medical institution if paid by employer.
41. Not only state officials have the right to inspect premises to verify safety conditions. In addition, trade unions “and other representative bodies” also may “freely check” compliance with labor protection requirements and propose measures to eliminate violations, which must be considered by the Employer.
42. Employers with over 50 employees must establish a Labor Protection Service. This requirement does not apply to the PIG, but it will be one of the requirements for civil works contractors with over 50 workers.
43. The law gives workers the right to refuse to undertake work that violates labor protection requirements. In addition, workers engaged in hazardous working conditions are entitled to free medical and preventative care, additional paid leave and other benefits and compensation. In case of disability or death, employers must provide compensation in multiples of average annual earnings as well as other amounts required by law.

#### **4.2 The World Bank Environmental and Social Standards: ESS 2**

44. The World Bank’s stipulations related to labor are outlined in its ESS Standard-ESS2. This helps the Borrowers in promoting sound worker-management relationships and enhance the

development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. Key objectives of the ESS 2 are to:

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

45. 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.
46. Working conditions and management of worker relationships. The Borrower will develop and implement written labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers.
47. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

For more details on the WB Environmental and Social Standards, please follow the below links:

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

### 4.3 Policy Gap

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

ESS & Topic	Major requirements	Key requirements/gaps in Tajikistan legal framework
A. Working conditions and management of labor relations	<ul style="list-style-type: none"> <li>- Written labor management procedures</li> <li>- Terms and conditions of employment</li> <li>- Nondiscrimination and equal opportunity</li> <li>- Worker's organizations</li> <li>- Elaborate Labor Management Plans including Contractor's ESMP warranted</li> </ul>	<ul style="list-style-type: none"> <li>- Written employment contract required, including procedures and employment conditions</li> <li>- Specific nondiscrimination and equal opportunity requirements</li> <li>- No provision for Labor Management Plans.</li> </ul>
B. Protecting the work force	<ul style="list-style-type: none"> <li>- Child labor</li> <li>- Forced labor</li> </ul>	<ul style="list-style-type: none"> <li>- No forced labor (requires free will)</li> <li>- Definition of child labor</li> <li>- National State Program on Eradication of Worse Forms of Child Labour adopted</li> </ul>
C. Grievance mechanism	<ul style="list-style-type: none"> <li>- GRM should be in place for direct and contracted workers</li> </ul>	<ul style="list-style-type: none"> <li>- No project specific GRM is warranted.</li> <li>- However, it is allowed to apply to: a) conciliation commission; b) Labor Inspection under the Ministry of Labor; and c) court.</li> <li>- Grievance registration and follow-up procedures are stated on the Law on Appeals of Individuals and Legal Entities.</li> </ul>
D. OHS	<ul style="list-style-type: none"> <li>- Detailed Procedure required for each and every project.</li> <li>- Requirements to protect workers, train workers, document incidents, emergency preparation, addressing issues; and</li> <li>- Monitor OSH performance</li> </ul>	<ul style="list-style-type: none"> <li>- There is no detailed procedure specific to each and every project</li> </ul>
E. Category of workers	<ul style="list-style-type: none"> <li>- Specifies categories of workers</li> </ul>	<ul style="list-style-type: none"> <li>- No reference to Community and Primary Supply Workers</li> </ul>
F. Minimum age of workers	<ul style="list-style-type: none"> <li>- Persons below 14 years of age are not allowed to be employed</li> <li>- Those between 14 and 18 years of age are allowed to be</li> </ul>	<ul style="list-style-type: none"> <li>- Employment permissible for 15 plus age, but with guardian permission.</li> </ul>

	employed under certain conditions	
G. Employee assessment - procedure for determination of compliance of the worker of post (the performed work) by assessment of execution of job responsibilities, level of knowledge, skills and professional training.	- Not explicit	- explicit
H. Retraining - the form of professional training allowing to master other profession or specialty.	- Not explicit	- Explicit
I. Certification of workplaces under the terms of work - system of accounting, the analysis and complex assessment of all factors of the production circle, process of hard and intense work on specific workplace exerting impact on working capacity and health of the worker in the course of labor activity.	- No	- Explicit

## 5. RESPONSIBLE STAFF

48. The MoF PIG Director oversees and guides all the workers associated with the project. The PIG Social Development Specialist and M&E Specialist will be responsible for the following:
- Implement this labor management procedure;
  - Ensure that contractors engaged in civil works 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 Operational Manual;
  - Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by the Tajikistan law and respective contracts between PIG 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 Tajikistan 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;

49. POM will include standard templates of contracts which include LMP and OHS aspects, and the contractors (NGOs, individual consultants, and Civil Works) commit to them. LMP and OHS responsibilities of the Contractors are the following:
- Follow the labor management procedures and occupational health and safety requirements stated in the contracts signed with PIG. If the number of workers (direct +contracted) is above 50, then Contractors will develop their own LMPs and OHS plans in compliance with the ESS2 requirements. These procedures and plans will be submitted to the MoF PIG Director for review and approval before the contractors are allowed to mobilize to the field;
  - Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements;
  - Maintain records of recruitment and employment of contracted workers as provided in their contracts;
  - Communicate clearly job descriptions and employment conditions to all workers;
  - Make sure every project worker hired by contractor/subcontractor is aware of the PIG dedicated phone number, email address, and web portal through which anyone can submit grievances;
  - Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights under the Tajikistan law, on the risks of their jobs, and on measures to reduce risks to acceptable levels;
  - In collaboration with PIG Social Specialist conduct training on labour management procedures and occupational safety to manage subcontractor performance; and
  - Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, and supervise compliance with the Code.

## **6. POLICIES AND PROCEDURES**

50. 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 PIG M&E Specialist, to ensure fair treatment of all employees:
- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
  - Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
  - Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
  - All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
  - Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities, with a goal of at least 50 percent.
  - Employees will be informed at least two months before their expected release date of the coming termination.

- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer (in this case, the “Employer” would be the contractor).
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in a language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- It is noted that language-related problems are not expected, but if they are, interpretation will be provided for workers as necessary.
- Foreign workers will require residence permits, which will allow them to work in Tajikistan.
- All workers will be 18 years old or above for civil works. This will be a requirement in PIG contracts with civil works contractors. PIG will ensure that no construction workers between 15-18 years are employed unless they are hired for office work with shortened working hours (during out of school time).
- Normal working time should not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration. The duration of daily work may not exceed 5 hours for workers aged 15 to 16 years and 7 hours for employees from 16 to 18 years, for students combining study with work for 2.5 hours at the age of 14 to 16 years and 3.5 hours between the ages of 16 and 18. For normal working conditions, the duration of daily work is 8 hours, for persons with disabilities - 6 hours, for part-time workers - 4 hours. A six-day working week is also allowed, in which the duration of daily work cannot exceed 7 hours at a weekly rate of 40 hours, 6 hours - at a weekly rate of 35 hours and 4 hours - at a weekly rate of 24 hours. Night work is considered work performed between 10 pm and 6 am.

## **7. AGE OF EMPLOYMENT**

51. Tajikistan law prohibits anyone under 18 from performing “unhealthy or heavy” and there are special requirements for leave, work hours, and other conditions of employment. PIG will ensure that no construction workers under 18 years are employed unless they are hired for office work. Based on the local legislation, workers between 15-18 years could be hired for office work with shortened working hours (during out of school time with guardian permission).
52. 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 child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child.

## **8. TERMS and CONDITIONS OF EMPLOYMENT**

53. The terms and conditions applying to PIG employees are set out in the “HR Regulations.” These internal labor rules and regulations will apply to all PIG employees who are assigned to work on the project (direct workers). Terms and conditions of part-time direct workers are determined by their individual contracts.
54. The PIG applies two types of employment contract: a one-year employment agreements and short-term service contracts. Majority of staff are permanent staff with one-year employment agreements with fixed monthly wage rates. All the recruiting procedures are documented and filed in the folders in accordance to the requirements of labour legislation of the Republic of Tajikistan. Based on the review of existing contracts signed by the PIG FM Department, contracts of PIG staff are well documented. Monthly timesheets are also filed and kept accurately. Forty hour per week employment is practiced and recorded on paper. It should be noted that even PIG staff are not civil servants and practice overtime work, which is not always fully recorded or paid. Under the project, direct workers will be properly paid for any overtime work to be conducted as per their terms of contract in line with the national law.
55. The work hours for PIG workers are 40 hours per week, eight hours per workday. It is noted the Labor Code provides for a work week of 40 hours but allows six-day weeks and this may be required for some project workers. Direct workers under the Project will be paid for overtime work they carry out as per their terms of contract in line with the national law, and all project workers will receive at least one rest day (24 hours) after six consecutive days of work.
56. The contractors’ labor management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in line, at a minimum, with this labor management procedure, the Tajikistan Labor Code and specified in the standard contracts to be used by the PIG under the project, which will be provided in Project Operations Manual and follow this LMP and the project ESMF.

## **9. GRIEVANCE REDRESS MECHANISM**

### **9.1 Overview**

57. There are two options for Project stakeholders and citizens to submit complaints regarding the ECDP, i.e. the Project Grievance Redress Mechanism (GRM) and the World Bank Grievance Redress Service (GRS). The GRM for the ECDP will be based on the Law of the Republic of Tajikistan “On Appeals of Individuals and Legal Entities” as well as the Instructions of the Government of the Republic of Tajikistan “On the Procedures of Records Management on the Appeals of Citizens”.
58. Since individual contractors to be hired under the Project are expected to be local based, small or medium enterprises, NGOs, it is unlikely that they can develop their own grievance mechanism. The project will use the project based GRM to accommodate grievances from the project workers. Essentially, it will be at two levels- one at the national level in Dushanbe and other, one in each target district. Contracted workers will be informed of and encouraged to contact PIG directly at

the national level to raise their workplace concerns. The record of grievances raised will be kept by the PIG Social Development Specialist who will immediately inform the contractor upon the receipt of workplace grievances from contracted workers and request actions as appropriate. This person will continue to follow up on the grievances till they are considered to be closed. More details will be developed in the Project Operational Manual.

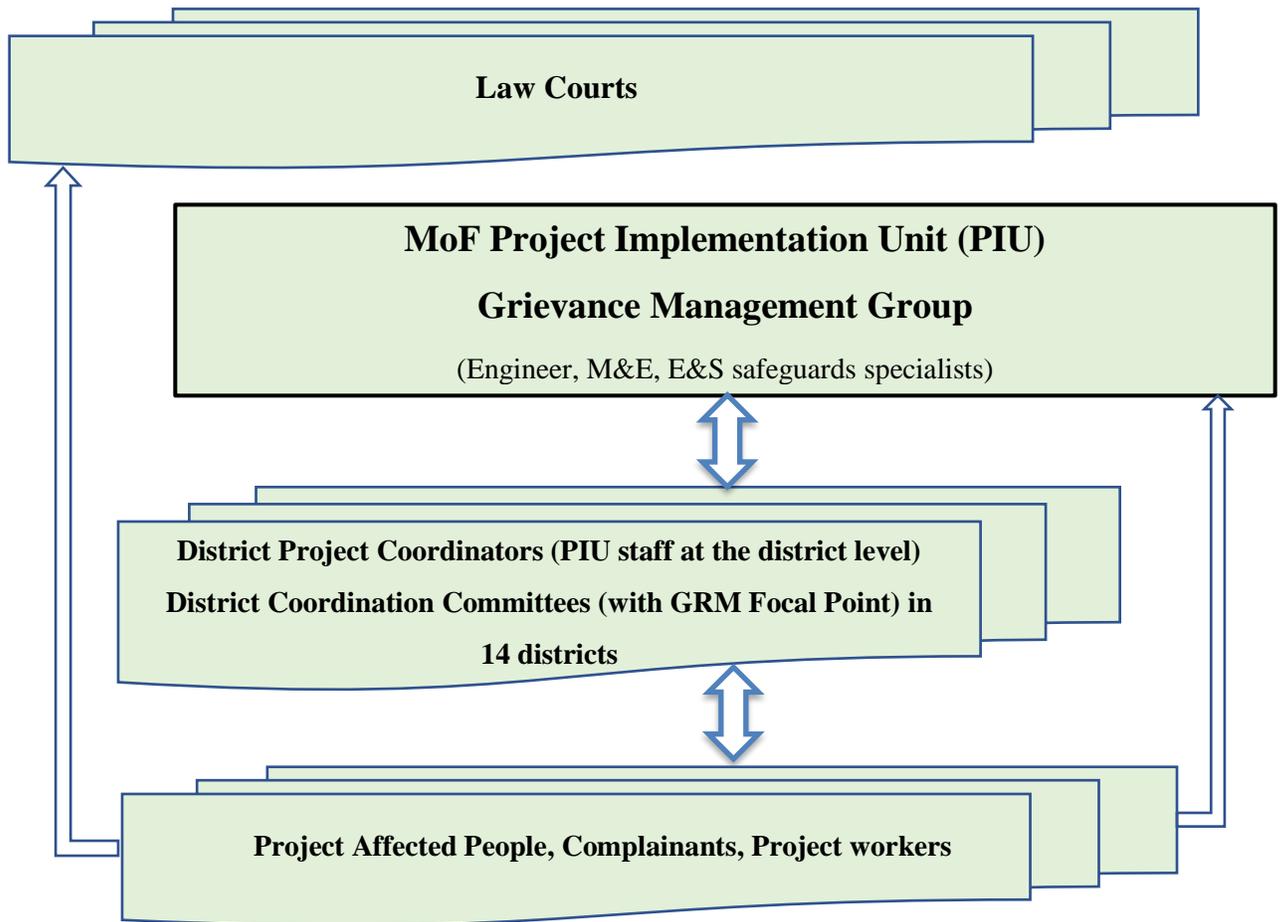
### **9.1 Worker GRM structure**

59. *The structure of the Worker GRM for the ECDP* will be comprised of two levels, one at the district level and the other at national PIG level.
60. District Level. *District Coordination Committee* to be established in each district administration (khukumat) will also address and resolve complaints within 30 days of receiving complaints. The DCC will be headed by a Deputy Chair of Khukumat and comprise key departments related to ECD: finance, health, education, public relations, construction, land and water utility. The DCC will be supported by a locally based District Project Coordinator (DPC) hired by the PIG, who will be assigned to serve as the *Grievance Focal Point (GFP)* and will be responsible for maintaining feedback logs. If the issue cannot be resolved at the district level, then it will be escalated by the DPC to the central MOF PIG.
61. National Level. If there is a situation in which there is no response from the district level GFP, or if the response is not satisfactory then complainants and feedback providers have an option to contact the MOF PIG directly to follow up on the issue. The MOF PIG will establish a *Grievance Management Group* (comprising Engineer, M&E, E&S safeguards specialists) and will assign a GFP to be responsible for complaints and issues related to all districts and components. The MOF PIG Director will make a final decision after a thorough review of the investigation and verification findings.

The timeline for complaint resolution at the central MOF PIG level will be 30 days upon receipt of the complaint. The complainant will be informed of the outcome immediately and at the latest within 5 days of the decision.

62. Appeal Mechanism. If the complaint is still not resolved to the satisfaction of the complainant, then s/he can submit his/her complaint to the appropriate court of law.

Figure 1. GRM Arrangement Chart



## 9.2 Grievance Logs

63. The Grievance Focal Points will maintain local grievance logs to ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. When receiving feedback, including grievances, the following is defined:
- Type of appeal;
  - Category of appeal;
  - People responsible for the study and execution of the appeal;
  - Deadline of resolving the appeal;
  - Agreed action plan.
64. The Project Social Development Specialist and District Project Coordinators (one in each district) will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. The log should contain the following information:
- Name of the PAP, his/her location and details of his / her complaint.
  - Date of reporting by the complaint.

- Date when the Grievance Log was uploaded onto the project database.
- Details of corrective action proposed, name of the approval authority.
- Date when the proposed corrective action was sent to the complainant (if appropriate).
- Details of the Grievance Committee meeting (if appropriate).
- Date when the complaint was closed out.
- Date when the response was sent to the complainant.

### **9.3 Monitoring and Reporting on Grievances**

65. The PIG social development specialist will be responsible for:
- Collecting and analyzing the qualitative data from GFPs on the number, substance and status of complaints and uploading them into the single project database;
  - Monitoring outstanding issues and proposing measures to resolve them;
  - Submitting quarterly reports on GRM mechanisms to the PIG M&E Specialist.
66. Quarterly reports to be submitted by PIG shall include Section related to GRM, which provides updated information on the following:
- Status of GRM implementation (procedures, training, public awareness campaigns, budgeting etc.);
  - Qualitative data on number of received grievances/(applications, suggestions, complaints, requests, positive feedback), highlighting those grievances related to the WB ESS 2 and 5 and number of resolved grievances;
  - Quantitative data on the type of grievances and responses, issues provided and grievances that remain unresolved;
  - Level of satisfaction by the measures (response) taken;
  - Any correction measures taken.
67. PIG will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts, and these include ESF provisions on labor and occupational, health and safety requirements. As part of the process to select the contractors who will engage contracted workers, PIG may review the following information:
- Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies
  - Business licenses, registrations, permits, and approvals
  - Documents relating to a labor management system and occupational health and safety system (e.g., HR manuals, safety program)
  - Identification of labor management, safety, and health personnel, their qualifications, and certifications
  - Records of labor-related litigation
  - Workers' certifications/permits/training to perform required work
  - Records of safety and health violations, and responses
  - Accident and fatality records and notifications to authorities
  - Records of legally required worker benefits and proof of workers' enrollment in the related programs

- Worker payroll records, including hours worked and pay received
- Identification of safety committee members and records of meetings
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2 or equivalent requirements.

#### **9.4 World Bank Grievance Redress System**

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

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