

**Republic of Tajikistan**  
**Socio-Economic Resilience Strengthening Project (SERSP) (P168052)**

**Labor Management Procedures (LMP)**

## **1. INTRODUCTION**

### **1.1. Background Information**

1. The Socio-Economic Resilience Strengthening Project (SERSP) is part of the Resilience Strengthening Program (RSP) that included in the World Bank Country Partnership Framework for the Republic of Tajikistan for the period FY19-23. It is expected to contribute to the Risk Mitigation Regime's RSP's higher-level objectives of strengthening resilience, defined as a person's, community's and/or country's capacity to adjust or respond to, and recover from, difficulties, adverse impacts, and/or exogenous shocks, reducing perceptions of exclusion, and preventing fragility risks. The project targets Khatlon and Gorno-Badakhshan Autonomous Oblast (GBAO) regions of Tajikistan, which have the highest levels of absolute and relative poverty measures, respectively, and which face fragility risks due to the proximity to unstable parts of Afghanistan, large youth populations, disparities in service delivery outcomes, and legacies of violent conflicts. The project recognizes the significance of, and adopts the World Bank's Environmental and Social Standards, for identifying and assessing as well as managing the environmental and social (E&S) risks and impacts associated with this investment project. The reviews undertaken by the Bank has classified environmental and social risks as moderate and substantial respectively. As a response, Government of Tajikistan through the National Social Investment Fund of Tajikistan (NSIFT), 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**

2. The SERSP's development objectives are to strengthen participatory local governance, improve the quality of local infrastructure, both in targeted communities, and increase extracurricular or livelihood opportunities for youth. The Project consists of three interrelated components. Component 1 provides subgrants to finance local-level socioeconomic infrastructure that addresses priorities identified through a participatory village needs assessment and decision-making process. Component 1 also provides capacity building of jamoat administrations and community-level institutions. There is a focus on supporting mobilization of communities and youth in the target districts, to engage them in decision making about how the sub grants will be used, and to continuously engage them throughout each subproject cycle. Component 2 of the project will offer activities for disadvantaged and inactive young men and women to increase their overall resilience to risks of exclusion, inactivity and disaffection. The component will finance youth-inclusive services and the refurbishment of youth spaces, as well as livelihood training and tools and equipment for livelihood activities in the seven target districts in GBAO and Khatlon. Component 3 of the project will finance project management, monitoring and evaluation and capacity building.

3. The Project areas are seven target districts, including Farkhor, Hamadoni, Panj, and Kulob districts in Khatlon region and Shughnon, Ishkashim and Vanj districts in GBAO region. These districts have been selected on the basis of the following criteria: (a) a shared border with Afghanistan; (b) relatively large population sizes; (c) a combination of rural and urban areas; and (d) limited coverage by other donor interventions. All 44 jamoats in the seven target districts will be covered by the project. Approximately 449,944 individuals in the jamaots will benefit. The project is designed as a proof of concept for strengthening socio-economic resilience that can be replicated in other vulnerable districts of Tajikistan, if successful.

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

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

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

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

## **2. OVERVIEW OF LABOR USE IN THE PROJECT**

### **2.1 Type of Workers**

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

7. *Direct workers.* The project will be implemented by the National Social Investment Fund of Tajikistan (NSIFT). Apart from the capital where NSIFT is head quartered, it is expected to have two regional offices, one in each of the two project regions. According to the Law of the Republic of Tajikistan “On Public Service” dated March 05, 2007, No233, NSIFT staff (exception is the Executive Director) are not civil servants, as they are hired on contract basis for the implementation of a wide range of development projects.

8. *Contracted Workers.* Two broad categories of contracted workers are expected: (i) non-government organizations (NGOs) who will provide social partnership, local government capacity building, as well as implementation support services to the NSIFT; and (ii) those who work under the civil works contractors.

### **2.2 Number of Project Workers**

9. *Direct Workers.* Total number of workers, the employees of NSIFT, dedicated to this project is estimated at around 36.

10. *Contract Workers.* 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 enlisted, one each for the components and for each of the regions. Thus, four NGOs, in all, may have some 200 workers in total.

11. *Civil Works Contractors and Workers.* The project will support small-scale subproject investments. The maximum size of an individual sub project is \$350,000, although it is anticipated that sub projects will average \$100,000 a piece. The total number of sub projects is estimated to around 150. The number of workers expected to be associated with each of the sub projects is estimated at 10. Thus, the total number of Civil Works contract workers is estimated at around 1,500.

## **2.3 Workforce Characteristics**

12. Given the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of the labor force market in Tajikistan, it is likely the workforce, especially the lower-skilled workers, will be predominantly male. Female workers are expected in NGOs and NSIFT. 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**

13. The direct workers and NGO workers will generally be required full time and around the year for the project duration. 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 conditions. 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.**

14. *Labor risks associated with contracted workers at subproject level.* Subprojects will be implemented by local contractors and most contracted workers will be hired locally. 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 \$350,000) and the NSIFT's adherence to the national labor code which prohibits forced labor (article 8, Labor Code). Since civil works to be supported under the project will be very small in scale and prioritized by local communities themselves, the risk of forced labor is expected to be small. Nonetheless, the contractor will be required in the contract to commit against the use of forced labor, and NSIFT staff in charge of contractor supervision will monitor and report the absence of forced labor.

15. *Occupational Health and Safety (OHS) risks* are low to moderate and will depend on the type of subproject works to be implemented. 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 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).

16. *Employment Risks.* Workers will be hired by the NSIFT, either directly as project staff or indirectly as part of contracts with NGOs or service providers. 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 Labour Code of RT with the employer concurrence, the direct workers will receive other rest hours in another day as compensation for overtime (Article 154, paragraph 2).

17. *Geography and terrain risks.* Given the mountainous terrain, poor transportation and difficulty in accesses, punctuality in terms of time and labor productivity at times could be below expectations. Attending to accidents and emergencies could also be an issue. The project will follow safety measures provided in the ESMF to ensure such risks are properly addressed.

## **4. BRIEF OVERVIEW OF LABOR LEGISLATION**

### **4.1 National Legislation**

18. *The Constitution of the Republic of Tajikistan (adopted on November 6, 1994, last updated on May 22, 2016) on labour conditions and occupational safety provides everyone the right to:*

- **Safe labour.** Using women and children labor shall be prohibited in heavy and underground works and in harmful conditions. (Article 35, paragraph 4)
- **The right to rest.** Everyone shall have the right to leisure. Establishing working weeks and days, paid annual leaves, weekly days off, and other conditions prescribed by law, shall ensure this right. (Article 37);
- **Protection of health.** Everyone shall have the right to health care. Everyone shall enjoy free of charge medical assistance in the state medical establishments, within the framework of law. The state shall take measures aimed at protecting environment, developing mass sport, physical culture, and tourism. Law shall define other types of medical assistance. (Article 38); 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 or other instances prescribed by law. (Article 39).

19. *Labor Code of the Republic of Tajikistan No. 1329 dated July 23, 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**

20. *Forced labor and child labor.* Article 8 of the 2016 Labor Code prohibits forced labor. The Code also sets the minimum age at which a minor can be employed as well as the conditions under which minors can work (Articles 68, and 74). The minimum employment age is 15, but in certain cases of vocational training, mild work may be allowed for 14-year-olds (Article 21). 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 duration of working hours for workers between 15 and 16 is 5 hours per day while those between 16 and 18 cannot work more than 7 hours per day; during the academic year, for the workers combining work and studies at the age between 14 and 16 maximum number of working hours is 2.5 hours daily, and those between 16 and 18 - 3.5 hours daily, respectively (Article 74).

21. *Wages and deductions.* Contracts and collective agreements establish the form and amount of compensation for work performed. The Government establishes a minimum wage rate (Article 143), and this can be adjusted by an index based on discipline and possibly other factors. In districts

and areas where additional wage coefficients are set, as well as coefficients for work in desert, other arid (“anhydrous”) areas, and mountainous areas, minimal wages are subject to additional compensation and coefficients.

22. Employer can pay workers at least once per every half month (Article 158). 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 158). 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 163).

23. *Women*. Article 217 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 Chapter 16 of the Labour Code.

24. *Working hours*. The standard work week is 40 hours, with less allowed for those under 18. The number of hours per day, and days per week, is established in the contract/agreement between the employer and employee. Employers must provide 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 218). Details of time off are established in contracts/agreements.

25. *Leave*. In addition to national holidays, employees have to receive at least 24 days of paid leave per year, with workers under 18 years of age, including interns receiving 30 days and disabled employees of II group receiving 42 calendar days, and disabled employees of III group - 35 calendar days. In addition, those who work in unhealthy and unfavorable working conditions receive an additional 7 days to annual leave (Article 96) and those who work in unfavorable climate conditions receive at least additional 8 days (Article 98).

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

27. Women are provided maternity leave for up to 70 calendar days before and 70 calendar days after delivery (86 days in case of complicated labors, and 100 days leave after giving birth to two or more children) (Article 223), 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” unpaid leave can be used by the father, grandparents, or other relatives/trustees if they are actually responsible for child care (article 224).

28. *Overtime work*. Working day (shift) should not exceed 12 hours per day, at works in unhealthy and unfavorable working conditions overtime is not allowed. Conditions for overtime work are determined in the contract (Article 79).

29. *Labor disputes.* Labor disputes are considered to be “unregulated discrepancies between the employer and employee on the issues of application of legislative and other normative actions on labour of the Republic of Tajikistan and working conditions provided by labour agreement (contract) and collective agreement and contracts” (Article 198). Disputes may be adjudicated by commissions that are created “on a par with employer and agencies representing the interests of employees,...” (that is, with equal representation of employee/employees and employer), if such commissions are provided for in labor agreements/contracts (Article 203). Commissions must consider issues within 7 calendar days. If the employer, employee, or their representatives disagree with decisions by a commission, or if the commission does not consider applications within 7 days, any of the parties may appeal to the courts, within one month on job restoration disputes, and on other labour disputes within 3 years upon acknowledgement of violation of employee or employer rights (article 201).

30. 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 321), with the parties selecting the members and chairperson of the arbitration. The labour 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. If collective labour disputes concern the application of labour regulatory and legal acts, they are subject to law suit upon submission of appeal to the court by one of the parties (Article 322).

31. *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 18 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**

32. 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 employer is responsible to provide:

- Adequate safe working conditions and safety of work at every workplace;
- Application of means to protect workers individually and collectively (including protective clothing and equipment);
- Work and rest regimes;
- Training of workers in their jobs and safe methods of work;
- Instructions on labor protection;
- Test the knowledge of workers in working safely;

- Performance assessment of workers at least every five years;
- Investigate accidents at work;
- Sanitation and preventive medicine services for workers;
- 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.

33. Employees, on the other hand, are required to pass initial and periodic tests medical examinations, pass training and periodic instructions on safety requirements, and to carry out medical and health measures that are prescribed by medical institution if paid by employer (Article 346).

34. Employee representative bodies are entitled to:

- conduct collective negotiations, to conclude collective agreements and contracts;
- participate in discussion of social and economic development of the organization;
- check compliance with labor legislative and regulatory acts implementation, labour agreements, contracts and collective agreements (Article 291).

35. Employers with over 50 employees must establish a Labor Protection Service (article 355 LC RT). This requirement is obligatory for the Employer, as well as for civil works contractors with over 50 workers.

36. 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 (article 343, para 5-6).

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

37. 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.

38. 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.

39. Working conditions and management of worker relationships. The Implementing Agency 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.

40. 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.

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>.

## **5. RESPONSIBLE STAFF**

41. NSIFT's Executive Director oversees and guides all the workers associated with the project. The NSIFT's Administrative Department, Procurement and Community Projects Department 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.
- Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by Tajikistan law and respective contracts between NSIFT 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.

42. 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 Implementing Agency. 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 NSIFT 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 Tajikistan law, on the risks of their jobs, and on measures to reduce risks to acceptable levels
- In collaboration with NSIFT Social Specialists conduct training on labour management procedures and occupational safety to manage subcontractor performance.

- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, and supervise compliance with the Code.

## **6. POLICIES AND PROCEDURES**

43. 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 NSIFT Administrative, Procurement and Community Projects Departments, 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, settlements and jamoats, 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 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 NSIFT 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.

## **7. AGE OF EMPLOYMENT**

44. 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. Employer will ensure that no construction workers under 18 years are employed.

45. 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.

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

46. The employment terms and conditions applying to NSIFT employees are set out in this document. These internal labor rules will apply to all NSIFT 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.

47. The NSIFT applies two types of employment contract: a one-year employment agreements and contracts on implementation of specific works. 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 prepared by the NSIFT Administrative Department, contracts of NSIFT staff are well documented. Monthly timesheets are also filed and kept accurately. Forty hour per week employment is practiced and recorded on paper. NSIFT staff are not civil servants and under the project, in line with the Labour Code of RT (Article 154, paragraph 2) in agreement with employer direct workers of NSIFT will receive rest time in another day as a compensation for any overtime work.

48. The work hours for NSIFT 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. Duration of workday during a six-day week should not exceed 7 hours to meet the 40-hour weekly legal provisions (Article 74, Paragraph 3). All project workers will receive at least one rest day (24 hours) after six consecutive days of work.

49. 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 NSIFT under the project, which will be provided in Project Operations Manual and follow this LMP and the project ESMF.

## **9. GRIEVANCE REDRESS MECHANISM**

50. The project will establish a GRM 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- one at the national level in Dushanbe and other, one in each of the two provinces.

## **10. CONTRACTOR MANAGEMENT**

51. 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.

52. NSIFT 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.