

Labour management procedure of WB supported COVID-19 project- Mongolia

MONGOLIA SUPPORT FOR COVID-19 PROJECT (P173799), PEF SUPPORT FOR COVID-19 PROJECT (P174571) and COVID-19 VACCINATION ADDITIONAL FINANCING (P175730)

LABOUR MANAGEMENT PROCEDURE

Ministry of Health

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This Labor Management Procedure provide an overview of the applicable Mongolian legislative and WB Environmental and Social Standard 2 (ESS2) provisions and how the risks and issues related to labor in the Covid-19 project (#P173799) PEF support for covid-19 project (P174571) and COVID-19 vaccination additional financing (P175730) will be managed during the implementation of the project.

1. OVERVIEW OF LABOR USE ON THE PROJECT

Mongolia COVID-19 emergency response and health system preparedness project management arrangements will be adapted under the ongoing e-health Project (P131290), currently functioning satisfactorily, to utilize existing capacity in Ministry of Health (MOH) and coordinate with all stakeholders. Through its central departments and provincial offices, the MOH will be responsible for implementation of the project, including overall coordination, results monitoring and communicating with the World Bank on the implementation of the project.

The Project will address some of the immediate needs for responding to COVID-19 including risk communication, strengthening response capacity and investing in the building blocks for a coordinated multi-sectoral approach. It will further address health system gaps in the availability of drugs, medical supplies and equipment in key hospitals and aimag centers to meet the surge of expected patients and enhance the quality of patient care and vaccine service delivery.

The Covid-19 project consists of four components. Component 1 will address emergency COVID-19 Prevention and Response and aimed to slow down and limit the spread of COVID-19 in the country and improve preparedness for future public health emergencies. Component 2 will strengthening Health Care Delivery Capacity and aimed to strengthen essential health care service delivery to be able to provide the best care possible in the event of a surge in demand. Component 3 will support monitoring and evaluation of prevention and preparedness, building capacity for clinical and public health research, and joint-learning across and within countries. Component 4 will contribute to providing immediate and effective response to said crisis or emergency. A zero-value component has been included to ensure funds can be deployed through the project depending on the specific needs that may arise.

Number and characteristics of project workers

The project activities involve four types of project workers, these include:

- (i) ***Direct workers***¹- people employed or engaged directly by the COVID-19 Project, such as:
 - a. Project Implementation Unit (PIU) staff who are employed by the COVID-19 project and who are directly engaged in project implementation,
 - b. Public administration and public service staff employed directly by the COVID-19 project and the agencies that report to the COVID-19 project, such as,
 - i. *Ministry of Health (MOH)*

¹ People employed or engaged directly by the Borrower (including the project proponent and the project implementation agencies) to work specifically in relation to the project

- ii. *National Center for Communicable Diseases (NCCD),*
 - iii. *National Center for Public Health (NCPH)*
 - iv. *National Center for Zoonotic Diseases (NCZD)*
 - v. *Center for Health Development (CHD)*
 - vi. *National Center for Child and Maternal Health (NCCMH)*
 - vii. *Ulaanbaatar City health department (CHD)*
 - viii. *Third State Central Hospital - Shastin Central Hospital;*
 - ix. *Perinatology Center of Ulaanbaatar City;*
 - x. *Medical University Teaching Hospital, Mongolian and Japan Hospital;*
 - xi. *Aimag/district level health department (AHD/DHD)*
 - xii. *General Agency Specialized Inspection (GASI)*
 - xiii. *National Emergency Management Agency (NEMA)*
 - xiv. *Police Agency (PA)*
 - xv. *General Authority for Border Protection (GABP)*
 - xvi. *Khoroo as UB city smallest administrative unit*
 - xvii. *Baghs as rural smallest administrative unit*
- c. NGO/s staff contracted for capacity building and producing project specific products.
 - d. Consulting and non-consulting firms contracted for capacity building and producing project specific products.
 - e. Individual consultants hired by the COVID-19 project (national and international)
- (ii) **Contracted workers**² – workers contracted through third parties, such as,
- a. Consulting and non-consulting firms contracted for capacity building and producing project specific products;
 - b. A firm or NGO contracted for capacity building and producing project specific products;
 - c. A firm/s contracted to building extension of central vaccine storage, building indoor WASH facility, installing oxygen mini plant for small scale civil work;
- (iii) **Primary supply workers**³ - The workers of supplier company of medical equipment, medicine, vaccine, and other goods.
- (iv) **Community workers** - There will be possibility to mobilize volunteer's during vaccination deployment activities, treatment of COVID-19 treatment and quarantine station's duty.

² People employed or engaged through third parties to perform work related to core functions of the project, regardless of location. "Core functions" of a project constitute those production and/or service processes essential for a specific project activity without which the project cannot continue.

³ They are those suppliers who, on an ongoing basis, provide directly to the project goods and materials essential for the core functions of the project.

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- a. Volunteers and retired doctors for mobilizing activities for treatment and vaccination service delivery.
- b. Interns and medical university undergraduate students for mobilizing activities for treatment and vaccination.

The exact number of *direct workers and contracted workers* engaged in the project over the whole cycle of the project is not yet known, but, a reasonable estimation provides that it would be reached up to 17,000.

COVID-19 CONSIDERATIONS:

The implementing of this project will be included many different categories of workers, some of whom will be engaged in activities that raise COVID-19 exposure concerns. It is important to identify (i) the type of activities the project will support, which may include capacity building, construction or quarantine centers, development of treatment facilities, transportation and storage of vaccines, disposal of hazardous and non-hazardous waste and the carrying out of vaccination programs; and (ii) other type of workers that will be engaged in such activities.

. In addition to health workers, the activities conducted by front line service providers should be considered. These include people providing services such as food supply, delivery and preparation; waste disposal; pharmacies; inspection agency workers, security services; and public transport workers. In certain situations, police and border department's military will be used to support or carry out project activities.

Where government civil servants are engaged in the project, whether full-time or part-time, a description of the activities they will carry out should be provided. ESS2 recognizes that they remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. Nevertheless, their health and safety needs to be considered, and the measures adopted by the project for addressing occupational health and safety issues, including those specifically related to COVID-19, will apply to them. Some of governmental agency workers are not carrying usual day to day activity and engaged to this project activities due to the emergency situation.

Specific attention should be paid to the types of workers listed below, as these groups of workers are specifically at risk in the COVID-19 context. They should be identified and, as far as possible, this section should include estimated numbers, type and duration of employment, relevant terms and conditions and a clear description of the activities they will carry out.

- **Health Care Workers:** Health care workers may be engaged in the project as direct workers, as contracted workers (contractors, subcontractors), or civil servants. Health care workers may carry out a range of activities, for example, assessing, triaging and treating COVID-19 patients and workers; registering and recording details of people receiving vaccinations; vaccinating the public; establishing public health reporting procedures of suspected and confirmed cases; providing or reinforcing accurate infection prevention and control, vaccination and public health information, including for concerned workers. Given the significance of the vaccination effort for COVID-19, it is possible that other people, in addition

to regular medical workers, will be involved in conducting or supporting vaccinations programs. Workers in this context may include ethnic or indigenous healthcare providers and other members of the community, particularly for populations who have limited access to the formal national healthcare system. Attention should be given to the terms on which they are engaged in the project, and the arrangements put in place to protect them. They may be engaged in the project as direct workers, contracted workers or community workers.

- **Waste Management Workers:** Waste management workers, including sanitation workers, may also be engaged in the project, most likely as contractors or subcontractors.
- **Support Staff and Volunteers:** Support staff such as cleaners, guards, transportation workers, those distributing the vaccine, people involved in collecting data or volunteers may also be engaged in the project, as direct workers, contracted workers or community workers.
- **Migrant Workers:** Migrant workers often comprise a significant part of a workforce, particularly where there is large scale construction/civil works or interns/retired health care workers will be mobilized to working at the quarantine places at least 14 days (2 weeks). This raises many complex issues, particularly regarding potential transmission risks for COVID-19 both within the worksite and for nearby communities. These risks are not only from workers that are mobilized from abroad or returning from abroad, but also workers moving from other district/aimags/soums. Where it is likely that migrant workers (either domestic or international) are expected to work on the project, they should be identified in this section. For further discussion, see the World Bank's Interim Note: COVID-19 Considerations in Construction/Civil Works Projects (which supplements the COVID-19 Infection and Prevention Control Protocol), specifically Section 5 (a) which discusses assessing the workforce characteristics.

The Table 1 below, briefly captures the type, description and estimated number of project workers. The description of project workers is provided by each component of the project as well.

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Table 1. Description, estimated number and time requirements of project workers

Description	Estimated number and location	Timing of labor requirements	Engagement by project component			
			Component 1	Component 2	Component 3	Component 4
Direct workers						
IPIU staff	10 full time staff located in Ulaanbaatar	Will be engaged throughout the project cycle	Will be engaged in all components of the project.			
Public service staff employed directly by the COVID-19 project and the agencies that report to it	<p>it is estimated at more than 9400 persons.</p> <p>They will operate in their offices located in Ulaanbaatar and 21 aimag centers, respectively.</p> <p>(Khoroo and bagsh unit workers will be engage upon the vaccination service delivery).</p>	Will be engaged at times required as per the project Workplan.	<p>Staff of:</p> <ul style="list-style-type: none"> • MOH (5) • NCCD (3), • NCPH (10) • NCZD (10) • CHD (5) • NCCMH (3) • UB CHD (3) • AHD/DHD (30) • GASI (50) • NEMA (100) • PA (100) • GABP (150) • AHD/DHD (60) • GASI (5) • NEMA (5) • PA (5) • GABP (10) 	<p>Staff of:</p> <ul style="list-style-type: none"> • MOH (5) • NCCD (3), • NCPH (10) • NCZD (10) • Third State Central Hospital (10); • Perinatology Center of Ulaanbaatar City (10); • Medical University Teaching Hospital, Mongolian and Japan Hospital (10); • Vaccination unit staff of soum and family health center (8800) 	<p>Staff of:</p> <ul style="list-style-type: none"> • MOH (5) • NCCD (4) • NCPH (5) • NCZD (5) • CHD (5) 	<p>Staff of:</p> <ul style="list-style-type: none"> • MOH (2) • NCCD (4) • NCPH (5) • NCZD (5)
Individual consultants	<p>Estimated number: 20</p> <p>Local consultants will operate in Ulaanbaatar (may have short field trips) and will operate in their</p>	Will be engaged at times as per the project Workplan.	Consultants hired to support risk communication and community mobilization activities and special activities related to the COVID-19 response,	Consultants hired to support effective implementation of COVID-19 response and health care service delivery relates with the emergency response from COVID-19 pandemic.	Consultants hired to support field epidemiological and capacity building, conduct assessments and etc.	Consultants hired to support M&E, supportive supervision on vaccination and etc.

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	home location and in Mongolia		vaccination service delivery care and etc.			
Contracted workers						
Workers engaged by consulting and non-consulting firms and suppliers of goods (could be private firms or NGOs)	Estimated number: 20-30 (Located in Ulaanbaatar)	Between Q/4 2020-Q1 2023 Will be engaged at times as per the project Workplan.	Employees of: <ul style="list-style-type: none"> • Printing companies for printing project materials • Firms contracted for media and advocacy products and activities 			
Workers employed by shipping a goods and suppliers	Estimated number: 30-50	In Q3 2020 – Q2 2023		Suppliers contracted for delivering specified goods and equipment		
The workers of extension of central vaccine storage	Estimated number: 20-50	In Q3 - Q4 2021		The workers for <ul style="list-style-type: none"> • Building extension of central vaccine storage 		
WASH facility installment company workers	Estimated number: 50-100	In Q3 – Q2 2023		Workers for <ul style="list-style-type: none"> • building WASH facility 		
Oxygen mini plant installment company workers	Estimated number: 30-50	In Q3 - Q4 2021		Workers for <ul style="list-style-type: none"> • Installing oxygen mini plant 		
Primary supply workers						
The workers of suppliers company of medical equipment, medicine, vaccine, and other goods.	Estimated number: 200 (Located in all over the country)	Between Q/4 2020-Q1 2023 Will be engaged at times as per the project Workplan.		<ul style="list-style-type: none"> • Suppliers contracted for delivering specified goods and equipment 		
Community workers						
There will be possibility to mobilize volunteer's during vaccination delivery, treatment of COVID-19 treatment and quarantine station's duty.	Estimated number: 7800 (Located in all over the country)	Between Q/2 2021-Q1 2023 Will be engaged at times as per the project Workplan and national deployment plan.	Volunteers for mobilizing (7800) <ul style="list-style-type: none"> • during vaccine delivery, • treatment of COVID-19 treatment and • quarantine station's duty. • Khoroo and bagsh unit 			

2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

2.1 Direct workers

IPIU staff. For the COVID-19 project will hire staff for the IPIU. The IPIU staff will consist of both male and female workers. The IPIU will consist of:

- 1) Project coordinator;
- 2) Bio engineer;
- 3) Occupational and environmental health specialist;
- 4) Risk communication and community engagement specialist;
- 5) Financial management specialist;
- 6) Procurement specialist;
- 7) Procurement specialist;
- 8) Monitoring and evaluation specialist;
- 9) Vaccine specialist;
- 10) Project driver.

The IPIU staff will be employed under a fixed term contract which is subject to annual extension based on satisfactory performance. Their contract terms and conditions will be governed by the regulation approved by the Ministry of Finance of Mongolia⁴. The IPIU staff will participate in the social security scheme of Mongolia, and their working conditions are generally aligned with the Labor Law. The labor risks for IPIU staff are considered to be low.

Government staff/Civil servants

The project activities in all four components will engage government staff (health care workers, health care waste management)or civil service staff of the following institutions:

- Ministry of Health (MOH);
- National Center for Communicable Diseases (NCCD);
- National Center for Public Health (NCPH);
- National Center for Zoonotic Diseases (NCZD);
- Center for Health Development (CHD);
- National Center for Child and Maternal Health (NCCMH);
- Ulaanbaatar City health department (CHD);
- Third State Central Hospital - Shastin Central Hospital;
- Perinatology Center of Ulaanbaatar City;
- Medical University Teaching Hospital, Mongolian and Japan Hospital;

⁴ Regulation No.196 (2015) concerning Utilization of Government's Foreign Loans and Implementation, Coordination, Financing, Monitoring and Evaluation of Projects and Measures financed by Such Loans.

- Aimag/district level health department (AHD/DHD);
- General Agency Specialized Inspection (GASI);
- National Emergency Management Agency (NEMA);
- Police Agency (PA);
- General Authority for Border Protection (GABP);
- Soum and family health center;
- Khoroo and bagh unit.

The civil service staff are employed subject to the Public Service Law and their employment terms and conditions (including working hours, rest periods, wage, annual holiday and leave, termination of employment) are governed by the Labor Law and relevant applicable regulations of Mongolia. And the terms of conditions of the contracts and their practical application, including termination and dismissal are subject to enforcement by relevant authorities and courts of Mongolia.

The labor risks for this sub-group of project workers are considered to be low. All direct workers will have exercised their right to signing an employment contract of either permanent or fixed term. Civil service staff have the right to claim re-instatement or remedies in case of violation of their rights provided by law. Some labor risks could exist for direct workers, such as, insufficient adherence to daily work hours or full annual leave; workplace harassment etc. However, these risks are not seen as project specific risks, but rather as reflection of the recurrent labor market issues. The project activities will not require government agencies and institutions to additionally hire staff for the purpose of project activities.

2.2 Individual consultants (national and international)

The project will engage individual consultants, both national and international (if required). The individual consultants will be hired mostly through a competitive selection process, and the decision will be made solely on the qualifications of candidates against inherent job requirements, without discrimination on any grounds that are prohibited by the Labor Law. The minimum age of consultants will be 18 years. The labor risks for this sub-group of project workers are considered to be low.

The project will enter into a consultancy agreement with each individual consultant, and the template of such contract is provided in the project Procurement Manual. The main terms and conditions of the consultancy agreement include the following:

- Consultants will be paid without undue delay, upon submission of deliverables to the satisfaction of the project, and exercise their right to claim their payments;
- Only personal income tax as per the Taxation Law of Mongolia, will be deducted from the payment; (in case of international consultant) return air fare and subsistence allowance as well as visa costs will be reimbursed;
- Consultant will be responsible for purchasing insurance or participating in social security scheme;
- The consultant is entitled to use a project office if needed;
- The consultant has the right to raise concerns related to issues arising out of the consultancy agreement via the project's grievance redress mechanism;
- The consultant is required not to delegate any tasks and deliverables agreed by the contract to a third party;

2.3 Contracted workers

2.3.1 Small scale renovation workers.

Approximately 60 workers are anticipated for small scale extension for central vaccine storage and building WASH facility, and building oxygen mini plant installment under Component 2. These workers will be those employed by a contractor/s selected for carrying out the small-scale civil works. Contractors will be chosen through a competitive selection. The labor management requirements for a contractor will be reviewed during the bidding process, which will include:

- Bidder's practices as regards to offering contract of employment to its workers;
- Bidder's commitment to provide contract of employment with each worker, including mutually signed statement of employment terms for a seasonal worker;
- Bidder's ability of applying OSH requirements at the workplace, including the provision of personal protective equipment;
- Commitment to inform and orient its workers on the Workplace Code of Conduct (CoC) and to getting the CoC signed each site manager and worker deployed to the worksite.
- Commitment to inform its workers on their rights to the GRM.

As the extension works and WASH facility building will be small scale civil works, the contractors will not be required to have as a must, a construction engineer or full-time OSH engineer, but having such human resources will be an advantage.

The Workplace CoC shall include (but not limited to) the following measures of responsible conduct of workers to:

- comply with OHS requirements set by national standards, including wearing protective helmets and equipment;
- avoid potentially risky behavior at work that could lead to workplace accidents and injuries;
- refrain from sexual harassment of co-workers and women and children in the community;
- conduct oneself with respectful, non-discriminatory and free from harassment behavior at the workplace towards co-workers of any rank, male or female or others with whom work-related encounters take place, including members of the community.
- avoid alcohol consumption during work hours;
- avoid quarrels or fights at the workplace.

2.3.2 Employees of internal shipping company (private entities)

The employees of the shipping company who are selected for internal shipment of goods from border, will be regarded as contracted workers. The estimated number of these workers required during the lifetime of the project is 20-30 persons. The internal shipping company will not be required to carry out additional hiring of employees for the purpose of implementing the project's shipment and storage activities. Therefore, the contracted workers are those existing employees of the shipment company. The company is expected to have hired and treated their employees in line with the Labor Law of Mongolia, and the terms of conditions of the employment contracts with their employees and their practical application are subject to enforcement by relevant authorities and courts of Mongolia.

The main types of workers to be engaged are track drivers and the managers who make decisions on shipment and storage of goods. The main tasks to be performed will include shipping from border and store of them and deliver to the last client. The labor risks associated with working conditions of these workers are considered to be mild. Nevertheless, the shipment and storing contract with the company will include the responsibility of the company for upholding and complying with the requirements of the Labor Law in hiring and treating their employees. And need to address safety issues during COVID-19 pandemic.

2.3.3 Employees of consulting and non-consulting firms, NGOs and suppliers of goods

The workers of consulting, non-consulting firms and NGOs will mainly engage in tasks related to conducting risk communicating and community engagement activities, reviewing, preparing, photocopying, and disseminating documents and reports, collecting and analyzing data, interviewing respondents through face-to face interaction and phone follow ups, facilitating meetings and consultations, organizing and facilitating training, activities, maintaining and managing relationships with the public and beneficiaries, developing and testing information system, developing and printing public communication materials. The potential occupational safety and health risks for workers of these contractors are considered to be generally low.

2.4 Primary supply workers

The employees of the selected supplier firms which are selected for supplying essential equipment and other goods. The labor risks associated with working conditions of these workers are considered to be low. The supply may be local in nature or come from other parts of the country or from outside the country. Where potential child labor, forced labor, and serious safety risks are identified or are prevalent or known to exist in a specific sector, industry, or region in connection with the supply of such goods and materials, a mapping exercise should be conducted to identify possible suppliers and the extent to which they may present such risks.

2.5 Community workers

Community worker's labor in a project should be a voluntary basis. The labor risks associated with working conditions of these workers are considered to be moderate due to the infection of COVID-19.

COVID-19 CONSIDERATIONS:

There is need consider both the risks related to the project activities the workers are employed or engaged to carry out and the COVID-19 specific risks.

All category of participants of the project implementation will support the design of effective mitigation measures including:.

- conducting pre-employment health checks and COVID-19 testing
- controlling entry and exit from site/workplace

- reviewing accommodation arrangements, to see if they are adequate and designed to reduce contact with the community
- reviewing contract durations, to reduce the frequency of workers entering/exiting the site
- rearranging work tasks or reducing numbers on the worksite to allow social/physical distancing, or rotating workers through a 24-hour schedule
- providing appropriate forms of personal protective equipment (PPE)
- putting in place alternatives to direct contact, like tele-medicine appointments and live stream of instructions

Vaccination activities are likely to require mobilization of a large workforce of health workers, community workers, volunteers and public health officials from khoroo and bagh level, many of whom will be working in challenging environments. In such circumstances, many of the risks identified above in relation to treatment of COVID-19 patients may also be relevant. Identifying these risks will inform the mitigation measures included relevant PPE, training and monitoring of correct application of infection prevention and control (IPC) for health workers, decentralizing vaccine delivery to limit large gatherings, regular COVID-19 testing of health workers and triaging sick members of the public who attend for vaccination.

3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

3.1. Overview of labor legislation

Mongolian Labor Law (1999), Law on Trade Unions (1991), Law on Promotion of Gender Equality (2011), Law on Occupational Safety and Hygiene (amended in 2015) and related regulations adopted by the Government and tripartite bodies provide the legal framework for protecting the legitimate rights and interests of workers of Mongolia.

The overview of the rights and working conditions prescribed by the Labor Law are provided below. It is to be noted that the COVID-19 project is working on the revision of the Labor law. Should the Labor law is revised, this LMP shall be updated in timely manner.

Table 2. Fundamental rights at work

Minimum age to employment	<p>The minimum age for non-hazardous work is 16 years.</p> <p>The minimum age for hazardous work is 18 years.</p>
Protection from forced labor	No one shall be illegally forced to work.
Protection from discrimination and the right to equal treatment and equal opportunity	<ul style="list-style-type: none"> • Discrimination, limitation, or privilege based on nationality, race, sex, social origin or status, wealth, religion, or point of view is prohibited. • Employer is prohibited asking questions, when hiring a citizen, that are not related to a peculiarity of the work or duty to be performed, or related to private life, personal opinion, marital status, political party membership, religious beliefs, or pregnancy.
Freedom of association and the right to collective bargaining (provided by the Law on Trade Unions)	<ul style="list-style-type: none"> • Citizens have the right to freely join a trade union without prior permission, solely on a voluntary basis, without any discrimination whatsoever to exercise their right to work and defend their legitimate interests concerned. • Trade union has the fundamental right to hold negotiation with management and employer, conclude collective and other agreements, monitor implementation, represent and the interests of their members at labor dispute settlement institutions, and etc among others.

COVID-19 CONSIDERATIONS:

The specific legislation or regulation by the SEC/GOM might be used for the emergency situation. If military are being used to conduct project related activities will be identified by the SEC order.

Some of certain labor provisions (such as overtime compensation, annual or sick leave, or severance) have been suspended or curtailed for specific categories of workers, e.g. health care workers or other essential workers due to COVID-19 emergency measures or the requirements of urgent vaccination programs. See also Section 8.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: OCCUPATIONAL HEALTH AND SAFETY

The Law on Occupational Safety and Hygiene (amended 2015) determines the state policy and principles on occupational safety and hygiene and provides the requirements as regards to the OHS management and monitoring system.

Requirements for machineries for lifting, delivering and transportation

- a. Machineries for lifting, delivering and transportation should meet technical requirements.
- b. Machineries for lifting, delivering and transportation should be certified and permitted for use by professional organization.
- c. Maintenance, repair service and adjustment to machineries for lifting, delivering and transportation should be made within the time specified in technical documentations or test, adjustment and certification for such machineries should be made within the time approved by competent organization.

Requirements with respect to toxic and dangerous chemical substances, explosive devices, radioactive and biologically active substances

- d. An employer shall take activities to protect lives and health of employees and preventative measures from toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances and their impacts.
- e. An employer shall take records on toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances which are in use of industrial operation, and shall inform, in accordance with procedures approved by competent organization, the labor monitoring organization and other relevant professional organizations.
- f. A person who deals with toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances shall have knowledge and training on impact of such substances on human health and preventative measures against them.
- g. Other requirements for use and deal of toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances by business entities, organizations, citizens shall be regulated by relevant laws.
- h. An accident, acute poisoning related to use of toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances shall be treated as an industrial accident and be investigated and recorded.

Provision of special garments and protective equipment to employees

- i. An employer shall have responsibility to provide employees by special garments and protective equipment which fit their working conditions and work performance nature at free of charge.
- j. An employer shall bear expenses related to testing, purchasing, storing, cleaning, repairing and disinfecting of special garments and protective equipment.
- k. An employer shall approve and keep the list of names, types, period of use of special garments and protective equipment.
- l. An employer shall obtain conclusion from professional organizations on the quality of its special garments and protective equipment. Special garments and protective equipment

manufacture in accordance with international standards and have quality warranties are not subjected to this provision.

Training on occupational safety, hygiene and professional training

- m. Employed citizens, employees shall attend short term training on labor safety and hygiene in compliance with procedures approved by the state central administrative organization in charge of labor issues and acquire knowledge and training.
- n. Training for citizens and employees who are being shifted to another workplace;
- o. Training for citizens and employees who work at workplace which is under toxic and dangerous industrial impact or similar condition to it.
- p. An employer shall conduct training on labor safety and hygiene at least twice a year for all employees and shall take examinations from them.
- q. Employed citizens, employees shall have the following common rights:
 - i. To work at workplace which meet the labor safety and hygiene requirements;
 - ii. To have medical insurance for disease caused by industrial accident and occupational nature;
 - iii. To receive information on workplace conditions, risks that can impose danger to health, industrial dangerous and poisonous factors;
 - iv. To suspend work in case of work safety regulations is violated or certain conditions which could cause danger to human life and health is emerged in the course of work performance, and inform such matters to employer;
 - v. To attend discussion on labor safety and hygiene by personally or through one's representative.
- r. Employed citizens, employees shall have the following common responsibilities:
 - i. To abide labor safety and hygiene requirements, standard, regulations and technologies;
 - ii. To attend training on labor safety and hygiene, to take examinations if provisions of law requires and to instructed safe operations;
 - iii. To take prompt measures specified in safety regulations and procedures in case of certain conditions which could have negative impact on human life and health is emerged in the course of work performance.
 - iv. To protect one's health, to go under medical check-up;
 - v. To use special garments and protective equipment in accordance with their designated purposes;
 - vi. To acquire technique and methodology and professional skills in order to perform one's duties without risks and accidents, and to acquire skills by which able to prevent accidents, injuries and acute poisoning and deliver first aid in case of danger and accident.
 - vii. Not to bring danger and risk oneself and others;
 - viii. To perform work in compliance with labor safety and hygiene requirements set up by employers in consistence with laws and legislations.

COVID-19 CONSIDERATIONS:

It should set out relevant legislation and new regulations, government orders or advisories for addressing health and safety issues relevant to COVID-19. Identification of national guidelines with respect to COVID-19 measures is important (to the extent they exist). The degree to which these guidelines are up-to-date and capture good international industry practice (GIIP) should be detailed. If the Government has not published any such guidelines, reference should be made to WHO guidelines and other guidelines that may be useful. Further legislation that may be relevant could include regulations on:

- public health requirements for administering vaccines to the public and immunization safety
- disposal and treatment of immunization waste
- building and operation of medical waste facilities
- national protocols for disease prevention, screening
- containment/isolation, disposal of medical waste
- monitoring, supervision and reporting by key personnel
- development and testing of vaccines
- emergency preparedness and response
- roles and responsibilities of key government agencies.

Reference may also be made to applicable international conventions, and directives for addressing health and safety issues relevant to COVID-19, such as:

- [ILO Occupational Safety and Health Convention, 1981 \(No. 155\)](#)
- [ILO Occupational Health Services Convention, 1985 \(No. 161\)](#)
- [ILO Safety and Health in Construction Convention, 1988 \(No. 167\)](#)
- [WHO International Health Regulations, 2005](#)
- [WHO Emergency Response Framework, 2017](#)
- [WHO SAGE Values Framework for the Allocation and Prioritization of COVID-19 Vaccination \(Sept 2020\)](#)
- [WHO SAGE Roadmap for Prioritizing Uses of COVID-19 Vaccines in the Context of Limited Supply \(Nov 2020\)](#)
- [WHO Target Product Profiles \(TPP\) for COVID-19 Vaccines \(2020\)](#)
- [EU OSH Framework Directive \(Directive 89/391\)](#)

5. RESPONSIBLE STAFF

The COVID-19 project and the IPIU will be responsible for:

- engagement and management of project direct workers;
- managing shopping and bidding processes, undertaking contractual arrangements, monitoring and managing contractors;
- establishing a project level/project specific GRM and disseminating the information through various means about the right of each concerned party or a project worker to access the GRM and appeals;

- training on GRM for project stakeholders;
- addressing worker grievances;
- monitoring the compliance of requirements and guidelines for COVID-19 prevention and control should local transmission of the pandemic occur.

COVID-19 CONSIDERATIONS:

Where projects are designed specifically to respond to COVID-19 (or are at a higher risk of being affected by it) consideration should be given to hiring specialized staff for enhanced monitoring and supervision, to conduct training of workers in mitigating the spread of COVID-19 and to treat patients and workers infected with COVID-19.

If required the following functions and individuals set out for the project which responsible for:

- Monitoring, supervising, and reporting on health and safety issues relating to COVID-19 (COVID-19 focal point), including details of key responsibilities and reporting arrangements for example between different Government agencies or departments conducting a vaccination program or between a Supervising Engineer and the main contractor on a construction project;
- Coordination and reporting arrangements between contractors;
- Raising awareness and training of workers in mitigating the spread of COVID-19;
- Raising awareness and training of health workers and community workers on immunization safety;
- Assessment, triaging and treatment of patients and/or workers infected with COVID-19.

6. POLICIES AND PROCEDURES

The contractors and providers of consulting and non-consulting services will be, as direct employers of workers engaged in activities that are financed by the project, responsible for:

- not hiring workers aged below legally established minimum age, and hiring based on documented evidence of age;
- signing contract of employment, including casual employment, with each worker,
- providing safe and healthy workplaces for their workers;
- informing the workers on project GRM mechanisms;
- providing orientation to employees and laborers on the occupational safety and health practices;
- addressing worker concerns and legitimate demands related to terms and conditions of employment and those as agreed by employment or work contracts;
- (in case of contractors of civil works) providing orientation to employees and laborers on the Workplace Code of Conduct and ensuring that each worker deployed to the renovation site has signed the CoC.

The COVID-19 project IPIU will ensure that above responsibilities of contractors and service providers will be reflected into the agreements with such entities. The IPIU have the right to demand from contractors and service providers to comply with contractual obligations, including in relation to a grievance lodged by a worker.

COVID-19 CONSIDERATIONS:

Projects need to assess the risks posed by COVID-19, and identify what measures may be implemented. Specific procedures should be adopted to address hygiene and social distancing, as well as what should be done if workers become sick. There is an increasing body of guidance materials that can be used to prepare this section of the LMP, for example:

- For health workers rights, roles and responsibilities, including on OHS, consult [WHO COVID-19 interim guidance](#)
- For guidance on infection prevention and control (IPC) strategies for use when COVID-19 is suspected, consult [WHO IPC interim guidance](#)
- For rational use of PPE, consult [WHO interim guidance on use of PPE for COVID-19](#)
- For workplace-related advice, consult [WHO guidance getting your workplace ready for COVID-19](#)
- For guidance on water, sanitation and health care waste relevant to viruses, including COVID-19, consult [WHO interim guidance](#)
- For projects requiring management of medical waste, consult guidance issued by [WHO Safe management of wastes from health-care activities](#)
- For guidance on immunization and vaccine safety, consult [WHO Immunization Safety guidance](#)

- For guidance on implementation of mass vaccination campaigns in the context of COVID-19, consult WHO framework for decision-making

Further Guidance will be included in the Reference List available on the [OPCS COVID-19 website](#).

For projects involving construction/civil works, contractors should develop specific procedures or plans so that adequate precautions are in place to prevent or minimize an outbreak of COVID-19, and it is clear what should be done if a worker gets sick. Details of issues to consider are set out in Section 5 of the [World Bank's Interim Note: COVID-19 Considerations in Construction/Civil Works Projects](#) and include:

- Assessing the characteristics of the workforce, including those with underlying health issues or who may be otherwise at risk
- Confirming workers are fit for work, to include temperature testing and refusing entry to sick workers
- Considering ways to minimize entry/exit to site or the workplace, and limiting contact between workers and the community/general public
- Training workers on hygiene and other preventative measures, and implementing a communication strategy for regular updates on COVID-19 related issues and the status of affected workers
- Treatment of workers who are or should be self-isolating and/or are displaying symptoms
- Assessing risks to continuity of supplies of medicine, water, fuel, food and PPE, taking into account international, national and local supply chains
- Reduction, storage and disposal of medical waste
- Adjustments to work practices, to reduce the number of workers and increase social distancing
- Expanding health facilities on-site compared to usual levels, developing relationships with local health care facilities and organize for the treatment of sick workers
- Building worker accommodations further apart, or having one worker accommodation in a more isolated area, which may be easily converted to quarantine and treatment facilities, if needed
- Establishing a procedure to follow if a worker becomes sick (following WHO guidelines)
- Implementing a communication strategy with the community, community leaders and local government in relation to COVID-19 issues on the site.

For projects supporting health facilities, storage or transportation of vaccines and deployment of vaccines, plans or procedures should be in place to address the following issues, where relevant to the activities:

- Obtaining adequate supplies of medical PPE, including gowns, aprons, curtains; medical masks and respirators (N95 or FFP2); gloves (medical, and heavy duty for cleaners); eye protection (goggles or face screens); hand washing soap and sanitizer; and effective cleaning equipment. Where relevant PPE cannot be obtained, the plan should consider viable

alternatives, such as cloth masks, alcohol-based cleansers, hot water for cleaning and extra handwashing facilities, until such time as the supplies are available

- Prioritizing different groups for allocation of vaccines, based on WHO guidance for the fair and equitable allocation of COVID-19 vaccination or national regulations (as appropriate)
- Training medical staff on the latest WHO advice and recommendations on the specifics of COVID-19, and principles on fair, equitable and inclusive access and allocation of Project benefits, including vaccines
- Training medical staff on the priority groups for allocation of vaccines and the timetable for these groups, as well as why they are required to only vaccinate persons from the particular priority group at the particular time (for example, because that group is at higher risk, for reasons of inclusion and equity etc where there is limited supply of vaccines)
- Improving community perception of vaccination programs, particularly where they are taking place in fragile, conflict or vulnerable settings such as IDP camps or affecting vulnerable sectors (e.g. children under 5, pregnant women, elderly, hard-to-reach), by sensitizing community members on the safety and efficacy of the vaccine, and building public trust in the ability of the vaccination campaign to avoid increased risk of COVID-19 infection
- For vaccination sites, ensuring that the space is organized in a safe and socially distant manner, and necessary logistical controls and waste management are planned for in advance
- For the deployment and use of vaccines, safe cold-chain practices, checking that vaccines are approved for use by WHO or another regulatory authority agreed by the Bank, selecting safe injection equipment, immunization practices for vulnerable people such as pregnant women or children under 5, immunization waste-disposal plan, supervision and reporting on implementation of immunization practices as required under national legislation
- Conducting enhanced cleaning arrangements, including thorough cleaning (using adequate disinfectant) of catering facilities/canteens/food/drink facilities, latrines/toilets/showers, common areas, including door handles, floors and all surfaces that are touched regularly
- Training and providing cleaning staff with adequate PPE when cleaning consultation rooms and facilities used to treat infected patients
- Implementing a communication strategy/plan to support regular communication, accessible updates and clear messaging, regarding the spread of COVID-19 in nearby locations, the latest facts and statistics, and applicable procedures.

7. AGE OF EMPLOYMENT

The risk of engaging minors in project activities is none or negligible. The minimum working age in Mongolia is 16 for non-hazardous jobs under the Labor Law (1999, see Article 109), however a range of requirements exist, such as medical examinations and prohibition on lifting of heavy loads and night work until the minor reaches the age of 18. Given the nature of employment on the project, only persons aged 18 and above will be engaged.

If a child under the age of 18 is discovered working on the project, measures will be taken to terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child. The PIU (Project Coordinator and the Environment and occupational health specialist) will work together with the contractor/s and the child/their family to ensure termination is completed in a safe and responsible manner.

COVID-19 CONSIDERATIONS:

Where the activities involve possible exposure to COVID-19, prohibit children under 18 from being employed due to the hazardous nature of the work (e.g. in health care facilities and medical waste treatment).

8. TERMS AND CONDITIONS

Wage

Wage	<ul style="list-style-type: none"> • Wage should be paid to a worker in person at least two times a month in monetary terms • Wage shall not be deducted illegally and with the amount exceeding the limits prescribed by law; • The employers shall pay wages according to law to the workers during statutory holidays. • Workers are entitled to additional pay for working during public holidays, overtime, weekends and at night.
Minimum wage	The currently applicable minimum wage in Mongolia is MNT 420,000 (\$226) per month. The wage paid by the employers to an unskilled worker shall not be lower than the minimum wage.
Equal pay for work of equal value	Remuneration of the same amount shall be established for male and female employees performing the same work.
Protection of hourly paid worker	The total amount of hourly remuneration paid to the worker per month shall not be lower than the remuneration of an employee hired full-time for the same type of job

Working time, rest and holidays

Working hours	<ul style="list-style-type: none"> • no more than 8 working hours per day and no more than 40 working hours per week; • the length of the uninterrupted rest period between two consecutive working days shall not be less than 12 hours.
Rest	<p>Where an employee is not able to rest on Saturday and Sunday due to the specific nature of the work and production, he/she shall be granted two consecutive rest days on other days of the week.</p>
Nationally observed holiday	<p>The employer shall make arrangements for the employees to take vacation according to law during the Naadam Festival (11th,12th, 13th of July), Children’s Day (1st of June) and other holidays prescribed by laws and regulations;</p>
Annual leave	<ul style="list-style-type: none"> • An employee is entitled to paid annual leave • The basic duration of annual leave shall be at least 15 work days (20 days for employees aged below 18 years and employer with disability) and the annual leave period shall be increased depending on the employee’s worked years.

Non-discrimination and equal treatment

1. Workers shall be employed without discrimination based on ethnicity, race, gender, or religious beliefs;
2. Collective bargains and agreements shall incorporate provisions on the creation of conditions and opportunities for a man and a woman to combine their professional and family responsibilities, to bear and care for a child, to take care of his/her health, to enjoy labor safety, equal pay and bonus for equal work and to enjoy equal working conditions.
3. Gender discrimination in employment and labor relations shall be prohibited. Unless otherwise provided by an international treaty ratified by Mongolia and other relevant laws, it is also prohibited to treat preferentially, to restrict or to dismiss an employee based on his/her sex, pregnancy, child care-taking roles, or family status.
4. An employer shall have the following responsibilities to prevent gender discrimination in employment policies and labor relations and to ensure gender equality at a workplace:
 - 4.1 Refrain from explicitly specifying or implying a preference for any one sex in a job vacancy notice/advertisement, except in conditions under the Law of Mongolia on enforcement of the law on promotion of gender equality (Article 6.5 and Article 7 of this law);
 - 4.2 Recruiting a person of the under-represented sex in order to ensure gender balance in a given organization or its unit;

- 4.3 Carry out monitoring and evaluation of legal provisions on equal pay for equal work and equal working conditions and take actions to eliminate identified breaches;
- 4.4 Undertake the promotion, professional training and re-training, skills development and pay increases for male and female employees based on the human recourse roster;
- 4.5 Ensure that in a case of a once a time lay-off of more than one third of the workforce as a result of a structural change, the gender ratio of the dismissed group be directly proportional to that in the entire workforce irrespective of the length of service;
5. An employer is prohibited from dismissing a pregnant woman, mother who has a child under three years of age, except for cases of dissolution of the organisation and cases provided for in Subsections 40.1.4 and 40.1.5 of Mongolian Labor law.
6. In order to prevent and keep the workplace free of sexual harassment and to maintain zero tolerance of such harassment, an employer shall take the following measures:
 - 6.1 Incorporate in organization's internal procedures specific norms for prevention of sexual harassment in a workplace and the redress of such complaints;
 - 6.2 Design and conduct a program on training and retraining geared toward creating a working environment free from sexual harassment, and report on its impact in a transparent manner.
7. When hiring a citizen, in the course of the labour relationship, due to the peculiarities and requirements of the work or duty, an employer has limited an employee's rights and freedom, and then he/she shall be obligated to prove the basis for doing so.

Employment contract and contract termination

Labor contract

1. The Labor Law provides that an employer shall establish a labor contract, and the following basic conditions shall be agreed on in the labor contract:
 - a. *name or title of the position or employment;*
 - b. *terms of the contract;*
 - c. *amount of basic salary or salary of the position;*
 - d. *working conditions.*
2. The employer is obliged to furnish the employee with a copy of the labor contract.
3. Unless a written labor contract is signed, an employer is not permitted to require a person to carry out work and duties.
4. A labor contract for regular job place shall be open-ended.
5. If the terms of an employment contract is expired, and the parties do not propose to terminate it and an employee continues to perform his work, such a labor contract shall be considered as to have been extended for the initial term specified in the labor contract.
6. An employer shall establish a labor contract with an employee in written form and submit one copy of such a labor contract to the employee. It is prohibited to conclude any contract other than a contract of employment in a permanent workplace.
7. If an employment contract has not been established in a written form, an employer shall not require an employee to perform work or duties.

Individual contract

8. For the purpose of hiring the labour of others, an owner or a person authorised by the owner, shall establish an individual contract with such a citizen, when exercising a certain part of his ownership rights; further, an employer, for the purpose of hiring a citizen with a highly-developed and rare talent or high skills, shall establish an individual contract with such a citizen.
9. A schedule of the jobs or positions for a citizen, with whom an individual contract may be established as specified in section 22.1 of this law, shall be approved by the member of the Government in charge of labour issues.
10. An individual contract shall be in written form. The term of an individual contract shall not be more than 5 years.
11. In an individual contract the parties shall accurately specify the term, final result of work to be performed by an employee, obligations of an employee to an employer, regulations for evaluation of a contract, the extent of asset to be placed under an employee's authority, regulations on ownership, utilisation and disposition of such capital, remuneration, perquisites and benefits to be assigned to an employee, an amount or percent from the operating results or profits to be assigned to an employee, and liabilities to be imposed on an employee.
12. If, during the evaluation of an individual contract, it is considered that an employee has performed his work or duties properly, an individual contract may be prolonged.

Termination

A labour contract shall be terminated on the following grounds:

- a. if the parties have mutually agreed to do so;
- b. if a citizen who is employer or an employee has died;
- c. if an employment contract has expired and it has been decided not to extend the contract;
- d. if an authorized organization specified in law has so demanded;
- e. If an employee has been called up in the active army;
- f. if a court decision that imposes a conviction of an employee, preventing him from performing his work duties as a result of his crime, has come into force;
- g. if an employment contract has been terminated by the initiative of an employer or an employee.

Dismissal

- h. When terminating a labour contract with an employee, the employer shall establish a time for the transfer of duties to the new employee and include that time in the decision on dismissal of the employee.
- i. An employee shall be considered dismissed on the last day when he/she transfers his/her duties.
- j. The employer shall be obligated to provide the employee dismissed with the decision on the dismissal, social insurance book and, if it is provided by law, with dismissal allowances on the date of dismissal.
- k. The employer shall be obligated to issue a letter of reference about the occupation, profession, specialisation, position and remuneration at the request of the employee.

Vulnerable workers

Protection of vulnerable workers is provided by the Labor Law. No child below the age of 18 years will be employed by the project. The minimum age for employment in Mongolia is 16 under the Labor Law (1999, see Article 109) for non-hazardous work, however a range of requirements exist, such as medical examinations and prohibition on lifting of heavy loads and night work until the minor reaches the age of 18. The Labor Law also includes a variety of protections for persons with disabilities.

Mongolia has Law on Promotion of Gender Equality (2011) and has recently undertaken efforts to more strongly enforce this law which covers non-discrimination, gender mainstreaming, equal rights and mandating the government for promotion of gender equity.

COVID-19 CONSIDERATIONS:

The Disaster Protection Law (in place since 2017) authorizes the National Emergency Management Agency and State Emergency Committee (SEC) to direct emergency policies and measures via the Government of Mongolia and regional emergency committees. The legal enforcement of SEC-led precautionary measures enabled a unified and focused administration of COVID-19 disaster management. All activities will be based on decision of the SEC during this COVID-19 emergency period of time.

9. GRIEVANCE MECHANISM

Worker grievances will be addressed by the project level/specific GRM which is described in the Project’s ESMF Manual (section 11). All project workers are expected to access the GRM. The grievance mechanism does not impede access to other judicial or administrative remedies that might be available under the national law or through existing arbitration procedures, or substitute for grievance mechanisms provided through collective agreements. The channels for labor grievances are described below:

Table 3. Channels for lodging labor grievance to be used by to project workers

Health care service delivery centers (at primary, secondary and tertiary level)		Project implementation unit	Ministry of Health (COVID-19 project)
Contact:	Head of that particular facility	M&E Specialist	Director of Public health division, MOH
Address:	based on location	#1103, Ayud tower, Peace street-13b, Sukhbaatar district, Ulaanbaatar 210648, Mongolia	Government building VIII, Olympic street-2, Sukhbaatar district 14210, Ulaanbaatar, Mongolia
Website	-	www.ehp.mn	www.mohs.mn
Phone	-	77077793	51-263695
Email	-	piu@ehp.mn	E-mail: info@moh.gov.mn

Note*: Personnel/worker’s related compliance could be directly sent to the PIU.

The IPIU will have a project specific website which will host a specific tab designed to register feedback/grievance from project beneficiaries. To facilitate the receipt, recording and reporting of complaints at the aimag/district and personnel worker’s level, where it is assumed that the bulk of complaints should/or could be lodged, the PIU website’s GRM tab will be designed/adjusted in way that complaints lodged at the specific geographic location is immediately directed to the given aimag/district health department’s GRM focal point’s inbox. Labor grievances can be expressed at any time during the project lifetime. There will not be any charge for filling a grievance.

A grievance can be lodged in writing, verbally and through electronic means, as per the applicable national legislation. Grievances lodged in writing will include grievance submitted via the online means. As per the applicable national legislation, a grievance lodged in writing shall be identifiable with the full name, residential/postal address. Complaints lodged via government hotlines (which then forwarded by the system to the COVID-19 project, or MOH or their field offices) and via telephones of the above four channels will be considered as verbal complaints. Grievances lodged via government hotlines do not identify the name and address of the complainant, therefore, information about such grievances shall be recorded so.

Table 4. Existing labor grievance redress functions provided by national legislation

Topic	Regulation	Grievance Redress
Gender Discrimination	Law of Mongolia on Promotion of Gender Equality (2011),	The Civil Service Council oversee complaint resolution on gender discrimination within the civil service (article 21) Article 23, Any act of violation of provisions except Article 14 of this law shall form a basis to lodge a complaint with the National Human Rights Commission of Mongolia.
Wrongful dismissal, compensation, contracts, punishment,	Mongolian Law on Labor (1999), Article 128	Labor relations disputes covered by the court.
All other labour disputes	Mongolian Law on Labor (1999), Article 126	The Labour Dispute Settlement Commission, covers all other aspects of the Law not addressed in a court under the Mongolian Law on Labour 1999 (Article 126)

COVID-19 CONSIDERATIONS:

In COVID-19 response projects, the nature of complaints may be particularly time-sensitive and sensitive in terms of confidentiality. Consider streamlined procedures for addressing specific worker grievances, which would allow workers to quickly report labor issues, such as a lack of PPE, unsafe vaccination practices, lack of proper procedures or unreasonable overtime, and allow the project to respond and take necessary action. Note the importance of allowing confidentiality as and where appropriate to the circumstances.

Annex 1. Manager's Code of Conduct

Instructions: This Code of Conduct should be included in bidding documents for the civil works/shipment work contractor(s) and in their contracts once hired.

3.7.1 Manager's Code of Conduct

The contractor is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the environmental, social, health and safety (ESHS) standards, and ensuring appropriate occupational health and safety (OHS) standards are met. The contractor is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where sexual abuse and sexual harassment have no place. Improper actions towards children, Violence Against Children (VAC), sexual abuse/harassment, and/or acts of Gender Based Violence (GBV) will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the company.

Staff at all levels have a responsibility to uphold the contractor's commitment. Contractors need to support and promote the implementation of the Code of Conduct. To that end, staff must adhere to this Code of Conduct and also to sign the Individual Code of Conduct.

Implementation

- a. To ensure maximum effectiveness of the Code of Conduct:
 - (i) Prominently displaying the Code of Conduct in clear view at workers' camps, offices, and in public areas of the workspace. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - (ii) Ensuring all posted and distributed copies of the Code of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
- b. Verbally and in writing explain the Code of Conduct to all staff, including in an initial training session.
- c. Ensure that:
 - (i) All staff sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.
 - (ii) Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager and the MOH Focal Point.
 - (iii) Participate in training and ensure that staff also participate as outlined below.
 - (iv) Put in place a mechanism for staff to:
 - report concerns on ESHS or OHS compliance; and,
 - confidentially report GBV incidents through the Grievance Redress Mechanism (GRM)

- (v) Staff are encouraged to report suspected or actual ESHS, OHS, GBV, VAC issues, emphasizing the staff's responsibility in compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, rehired or deployed. Use background and criminal reference checks for all employees nor ordinarily resident in the country where the works are taking place.
- d. Ensure that when engaging in partnership, sub-contractor, supplier or similar agreements, these agreements:
 - (i) Incorporate the ESHS, OHS, GBV, VAC Codes of Conduct as an attachment.
 - (ii) Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - (iii) Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV or VAC has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
- e. Provide support and resources to create and disseminate staff training and awareness-raising strategy on GBV, VAC and other issues highlighted in the ESMF.
- f. Ensure that any GBV or VAC complaint warranting Police action is reported to the Police, MOH and the World Bank immediately.
- g. Report and act in accordance with the agreed response protocol any suspected or actual acts of GBV or VAC.
- h. Ensure that any major ESHS or OHS incidents are reported to MOH and the supervision engineer immediately, non-major issues in accordance with the agreed reporting protocol.
- i. Ensure that children under the age of 18 are not present at the construction site, engaged in any hazardous activities or otherwise employed.

Training

- j. The managers are responsible to:
 - (i) Ensure that staff have a suitable understanding of the ESMF, in particular OHS aspects and COVID-19 prevention, as well as GBV and VAC and are trained as appropriate.

Response

- k. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.

i. Regarding GBV:

- (i) Maintain the confidentiality of all employees who report or (allegedly) perpetrate incidences of GBV (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
 - (ii) If a manager develops concerns or suspicions regarding any form of GBV by one of his/her direct reports, or by an employee working for another contractor on the same work site, s/he is required to report the case using the GRM.
 - (iii) Once a sanction has been determined by the GRM, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made by the GRM.
 - (iv) If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the Company and the GRM. The Company will be required to appoint another manager without a conflict of interest to respond to complaints.
 - (v) Ensure that any GBV issue warranting Police action is reported to the Police, MOH and the World Bank immediately.
- m. Managers failing address ESHS or OHS incidents or failing to report or comply with the GBV provisions may be subject to disciplinary measures, to be determined and enacted by the Company. Those measures may include:
- (i) Informal warning;
 - (ii) Formal warning;
 - (iii) Additional Training;
 - (iv) Loss of up to one week's salary;
 - (v) Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
 - (vi) Termination of employment.
- n. Ultimately, failure to effectively respond to ESHS, OHS, VAC and GBV cases on the work site by the company's managers may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, VAC and GBV requirements. I understand that any action inconsistent with this Code of Conduct or failure to act mandated by this Code of Conduct may result in disciplinary action.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Annex 2. Individual Code of Conduct

Instructions: This Code of Conduct should be included in bidding documents for the civil/shipment works contractor(s) and in their contracts once hired.

I, _____, acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project’s occupational health and safety (OHS) requirements, and preventing Violence Against Children (VAC) and Gender Based Violence (GBV) is important.

The Contractor considers that failure to follow ESHS and OHS standards, or to partake in activities constituting VAC or GBV—be it on the work site, the work site surroundings, at workers’ camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- a) Consent to a background check in any place I have worked for more than six months.
- b) Attend and actively partake in training courses related to ESHS, OHS, COVID-19 prevention, VAC and GBV as requested by my employer.
- c) Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities, in particular if related to exposure to COVID-19.
- d) Will follow all prevention measures relating to COVID-19, including
 - i. washing hands with water and soap before and after eating, when entering my work area, after sneezing/coughing, etc;
 - ii. sneeze or cough on elbow and/or wash hands after sneezing/coughing;
 - iii. if feeling unwell or have symptoms of a cold, flu or any respiratory illness, inform manager immediately, stay at home and do not come to work.
- e) Take all practical steps to implement the environmental and social management framework (ESMF).
- f) Implement OHS measures.
- g) Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
- h) Treat women, children (persons under the age of 18), and men with respect regardless of ethnicity, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- i) Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.

- j) Not sexually exploit or abuse project beneficiaries and members of the surrounding communities.
- k) Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is prohibited: i.e. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.
- l) Not use prostitution in any form at any time.
- m) Not participate in sexual contact or activity with children under the age of 18—including grooming or contact through digital media. Mistaken belief regarding the age of a child is not a defense. Consent from the child is also not a defense or excuse.
- n) Consider reporting through the GRM or to my manager any suspected or actual GBV by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With respect to children under the age of 18:

- o) Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
- p) Wherever possible, ensure that another adult is present when working in the proximity of children.
- q) Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- r) Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography
 - i. Refrain from physical punishment or discipline of children.
 - ii. No hiring of children for any project activity (no persons under the age of 18).

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

- s) Informal warning;
- t) Formal warning;
- u) Additional Training;
 - i. Loss of up to one week's salary;
 - ii. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months;
 - iii. Termination of employment;
 - iv. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviors that could be construed as VAC or GBV. Any such actions will be a breach this Individual Code of Conduct.

I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, VAC and GBV issues. I understand that any action inconsistent with this Individual Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____