

GOVERNMENT OF SOMALILAND



SOMALILAND FOOD SYSTEMS RESILIENCE PROJECT

(Phase 3 P178566)

LABOR MANAGEMENT PROCEDURES

10th September 2023

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ABBREVIATIONS AND ACRONYMS

AM	Aide Memoire
CDD	Community Driven Development
CoC	Code of Conduct
ESCP	Environmental and Social Commitment Plan
ESIRT	Environmental and Social Incident Reporting Tool
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environment and Social Standards
ROF	Republic of Somaliland
GBV	Gender Based Violence
GM	Grievance Mechanism
GMC	Grievance Management Committee
GMS	Grievance Management System
LMP	Labour Management Procedure
LMPs	Labour Management Procedures
M&E	Monitoring and Evaluation
MoAD	Ministry of Agriculture Development
MoLFD	Ministry of Livestock and Fisheries development
NSA	Non-State Actor
OHS	Occupational health and safety
PCU	Project Coordination Unit
PDO	Project Development Objective
SCAP	Safeguards Corrective Action Plan
SEAH	Sexual Exploitation, Abuse and Harassment
SecMP	Security Management Plan
SH	Sexual Harassment
SEP	Stakeholder Engagement Plan
SPCU	State Project Coordination Unit
TOR	Terms of Reference
VDC	Village Development Committee

WBG

World Bank Group

EXECUTIVE SUMMARY

Introduction

1. Somaliland is facing a record-breaking multi-season drought, further worsened by rising global food prices. Large swathes of Somaliland face severe food insecurity in face of a likely fifth consecutive failed rainy season— In January 2022, the Somaliland National Drought Committee estimated that over 800,000 people in the country were experiencing acute food insecurity and water shortages due to three consecutive failed rainy seasons. The situation has not improved since, and if the current drought conditions persist, it is expected that over 1 million people will need emergency assistance in the coming months. Somaliland’s eastern regions—Sool, Togdheer and Sanaag—are the hardest hit. Some areas have not received rainfall for the last four years according to Somaliland drought committee.

The total estimated acute malnutrition burden for Somaliland from August 2022 to July 2023 is 380.000 children, representing 54 percent of the total population of children in Somaliland. Over 950,000 livestock are estimated to have died since 2020 - 2021 due to starvation and disease. Four consecutive poor or failed harvests since 2020, escalating local and imported food prices, and drought and conflict-induced population displacement are all leading to a decline in the coping capacity of poor and vulnerable populations across Somaliland.

2. The World Bank Group (WBG) proposes to support **Somaliland** through the Food System Resilience Project (SRP) in building long term food systems resilience. This will be achieved through investments in enabling infrastructure, institutional capacity, resilience enhancing innovations, and inclusion of women farmers into mainstream agriculture extension and service delivery. The project will contribute to improved productivity for key crop and livestock value chains, enhance access to climate smart inputs and technologies, support inclusive growth and job creation in agri-business sector, and build resilience against climate shocks through a range of adaptive and mitigation measures.
3. The Project Development Objective (PDO) for S-FSRP will be *‘to increase preparedness against food insecurity and improve the resilience of food systems in targeted project areas of Somaliland’*. The project components, sub-components are outlined below:

Table A: Project ComponentsS. No.	Component
1	Comp. 1: Agriculture and Livestock public good and services for food security Sub-comp 1.1: Re-building Agri-Livestock Research, Extension and Seed Systems Sub-comp 1.2: Community engagement and Technology Transfer Sub-comp 1.3: Digital Farmer Solutions and data systems
2.	Comp. 2: Sustainable landscapes for resilient food systems Sub-comp 2.1: Strengthening water availability for agriculture and livestock

Table A: Project ComponentsS. No.	Component
	Sub-comp 2.2: Strengthening rangeland management for agriculture and livestock
3.	Comp 3: Regional and domestic markets for food security Sub-comp 3.1: Developing market facing institutions Sub-comp 3.2: Market Infrastructure and Enterprise Development Sub-comp 3.3: De-risking production through credit and savings
4.	Comp. 4: Institutions, policies and knowledge for regional food security Sub-comp 4.1: Enabling policy and capacity building for resilient agriculture Sub-comp 4.2: Enabling policy and capacity building for resilient livestock
5.	Comp.5: Contingency emergency Response
6.	Comp. 6: Project Coordination and Management Sub-comp 6.1: Project Implementation and Coordination Sub-comp 6.2: Monitoring and Evaluation

Project beneficiaries

- The project will directly benefit an estimated 65,000 small farmers, agro-pastoralists and nomadic pastoralists, of which at least 30 percent will be female. In addition, the project will support value chain stakeholders including women-owned agri-business enterprise, financial services providers, Disruptive Agriculture Technology organizations, and agriculture research and extension institutions. Additionally, the project will support investments for building inclusive POs, and infrastructure investments to upgrade value chains. Integration of ICT and digital agriculture solutions is an essential cross-cutting element in the project. The project will build the capacity of Ministry of Agriculture development (MoAD), Ministry of livestock and fisheries development (MOLAFD), Ministry of environment and climate change (MOECC) and stakeholder ministries and institutions at national to implement resilience focused policies.

Potential Labor Risks

- Components 2 and 3 are expected to involve limited civil works. Therefore, labor will be required, including contractors workers and community workers. Potential labor risk may include informal work agreements, child and forced labor, as well as a variety of Occupational Health and Safety (OHS) risks and impacts, during construction and operation. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible. Risk of insecurity on project workers is also expected, particularly in areas where conflicts between clans and other groups exist. Potential OHS risks may include slip and falls, working on heights and depths, burns, electrocution, injury and cuts, traffic and fire, and general dust and noise impacts. During operation, workers will be exposed to fertilizers and pesticides and machinery handling. Other key risks include hazardous work, such as the use of chemicals and use of heavy machinery, rotating and moving equipment, health problems while in

contact with animals and plants, possible exposure to infectious diseases, such as Covid-19, and electrical safety.

6. Component 3.2 will focus on upgradation of market infrastructure in key market centers of regional importance, with a strong focus on PPP will have workers including community workers (as defined by the ESS2) engaged by contractors and some skilled laborers contracted for the market infrastructure and enterprise development. All community workers to be engaged under the project will be subjected to documented agreements which includes terms on which such labor will be provided. This will include details of what has been agreed, the way in which such agreement was reached, and how the community workers are represented. The agreement will reflect the design of the project and the way in which decisions are reached within the community. While individual agreements with community workers may not need to be in writing, minutes of meeting with the community and community workers to discuss and agree the terms of their engagement with the project will be prepared. The project will prepare minutes of such meetings, and share the minutes with the community, the community workers, and their representatives. Failure of meeting requirements of fair employment would lead to discrimination and exclusion of vulnerable and marginalized groups. Sexual harassment and other forms of abusive behavior by workers or managers will also have the potential to compromise the safety and wellbeing of the vulnerable groups. More details are presented below in Section 3 – Assessment of Key Potential Labor Risks.

Rational for Labor Management Procedures (LMP)

7. This LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s ESF, specifically “Environmental and Social Standard 2 (ESS2): “Labor and Working Conditions” and some aspects of Environmental and Social Standard 4 (ESS4): “Community Health and Safety.” The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project. Detailed assessment of ESS 4 provisions are contained in the Environment and Social Framework (ESMF).

Application of the LMP

8. The LMP will be administered to the different categories of project workers: (i) direct workers - (both direct and contracted); (ii) contracted workers including workers for the supervision consultant, third-party monitor (TPM), MIS consultant, security risk management firm, as well as other contractors; and (iii) primary supply workers – these will be individuals and agencies engaged by the project and implementing partners as suppliers. These may include those staff contracted by primary suppliers for the project (e.g., irrigation equipment suppliers). Although there are no plans to engage community

workers directly, it is possible that project contractors recruit unskilled labor from the local community. If this happens, then the provisions of this LMP will apply to them.

Legal and policy framework

9. The Constitution of the Republic of Somaliland (adopted in 31 May 2001) provides the legislative framework for labor issues. Somaliland labor/employment law (Law Number 31/2004/2010, currently 31/2020 after amendments, which follow somalian Labour Code No. 65 of 18 October 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and conditions, remuneration, and OHS, trade unions and labor authorities. The provisions of the Labor law apply to all employers and employees in all project areas and is applicable to all project workers. The Labor law is broadly consistent with the ESS2 but there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 7/96). Somaliland has also ratified several International Labor Organization (ILO) covenants and treaties. OHS concerns have been identified as a potential risk associated with the Project activities. Therefore, in accordance with the requirements of ESS2, this LMP includes measures to address OHS risks. The purpose of the LMP in relation to ESS2 is to describe how the Project management, together with the Project coordination Unit (PCU), will manage all project workers in relation to the associated risks and impacts.

Mitigation measures proposed

10. The **Project Coordination Unit (PCU)** will be responsible for project management and coordination, compliance with safeguards requirements such as those on labor and working conditions. Their duties include: (i) ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 and ESS4 as. (ii) engage and manage consultants in accordance with this LMP and the applicable procurement documents; (iii) monitor child labor and forced labor in relation to primary suppliers; (iv) develop code of conduct (CoC) and GM and ensure that direct workers and contractors have access (vi) ensure that grievances received from the workers are resolved. reporting the status of grievances and resolutions.
11. The **contractors and primary suppliers** will be required to implement the relevant provisions of this LMP: (i) the expressions of interest (EOIs) for the implementing partners will refer to this document while the NSAs will state their experience and capacity in implementing ESS2 and ESS4 requirements for their workers; (ii) the social and environmental specialists will be recruited prior to project effectiveness with experience of labor management and will review the RFP's for adequate human resource management capacity; (iii) the social and environmental specialists will conduct pre-bid workshops on the E&S requirements including on labor management for the shortlisted implementing partners; (iv) the Implementing partners will include a labor management plan with adequate human resources to implement the plan in their bids (RFPs); and (v) the contractors labor management plan

will be reviewed by the social and environmental and OHS specialists at the PCU level including by the Bank for clearance.

Grievance Mechanism

12. Typical workplace grievances include fair and equal opportunity for employment; labor wage rates and delays of payment; unfair dismissals; disagreement over working conditions; employee rights and health and safety concerns in the work environment. Therefore, a GM will be provided for all Project workers including **direct workers, contracted workers and consultants** to raise workplace concerns.

This Workers' GM will be at all levels - regional level, District Level and Village levels. And for contracted workers will also have a structure within their organization. It should be emphasized that the GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without the cost and time of escalating to higher stages. The GM shall have a different and sensitive approach to GBV related cases that would be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant should be provided with information about and assistance to access if requested: confidential appropriate medical, psychological and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. The SEA/SH Prevention and Response Plan, prepared as part of the ESMF, will serve as a reference point for all the stakeholders.

Monitoring LMP Implementation

13. The PCU shall establish resources and procedures for managing and monitoring the performance of the project and implementation of the LMP. Monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following: (i) representative samples of employment contracts and signed CoC; (ii) grievances received from the community and workers and their resolution; (iii) reports relating to fatalities and incidents, and implementation of corrective actions; (iv) records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and (v) records of training provided for contracted workers to explain OHS risks and preventive measures.
14. The cost of implementing the ESS - LMP (both capacity building and TA Costing) is estimated at USD 340,000 for the five years. This neither includes staff salaries as the salaries and number of direct staff is yet to be determined nor includes cost for mitigation/management measures, which forms part of the individual contracts. It is, however, notable that this cost could be adjusted from time to time based on project requirements.

1.0 INTRODUCTION

1.1 Project Description

1. Somaliland is facing a record-breaking multi-season drought, further worsened by rising global food prices. Large swathes of Somaliland face severe food insecurity in face of a likely fifth consecutive failed rainy season— In January 2022, the Somaliland National Drought Committee estimated that over 800,000 people in the country were experiencing acute food insecurity and water shortages due to three consecutive failed rainy seasons. The situation has not improved since, and if the current drought conditions persist, it is expected that over 1 million people will need emergency assistance in the coming months. Somaliland’s eastern regions—Sool, Togdheer and Sanaag—are the hardest hit. Some areas have not received rainfall for the last four years according to Somaliland drought committee. The total estimated acute malnutrition burden for Somaliland from August 2022 to July 2023 is 380.000 children, representing 54 percent of the total population of children in Somaliland. Over 950,000 livestock are estimated to have died since 2020 - 2021 due to starvation and disease. Four consecutive poor or failed harvests since 2020, escalating local and imported food prices, and drought and conflict-induced population displacement are all leading to a decline in the coping capacity of poor and vulnerable populations across Somaliland.
2. The World Bank Group (WBG) proposes to support investments in Somaliland under Food Systems Resilience Project (FSRP) across 5 Is- (i) Infrastructure; (ii) Institutional Capacity, (iii) Innovation, (iv) Inclusion, and (v) Integration to comprehensively address food systems resilience.
 - a) **Infrastructure investments** at various levels of value chains including but not limited to support for revival of flagship agriculture and livestock research institutions, automated weather stations and early warning systems, small scale irrigation infrastructure, produce testing and certification facilities for export-oriented commodities, value addition and processing infrastructure, and post-harvest storage and cold chains. These infrastructure investments are envisaged as foundational to the agenda of food systems resilience.
 - b) **Institutional Capacity building** at various levels including farmer institutions, staffs of stakeholder ministries, and stakeholder institutions including private sector players and enterprises in key value chains. This will enable key institutions to play sectoral leadership roles at various levels.
 - c) **Innovation** at various levels including support for development of climate resilient breeds and inputs, digitally enabled information and extension services, development of locally relevant and climate smart technologies, innovations and management practices (TIMPs). Scaling up innovations through technology transfer and demonstrations at community level, development of new fodder varieties, innovative intensification of livestock production systems, low cost innovations in post-harvest storage, and traceability systems in livestock and livestock products.

- d) **Inclusion** through intentional investments at all levels comprising of support for inclusive farmer institutions and producer organizations, inclusive extension and advisory services.

Integration with and building on existing or completed investments that support resilience building including but not limited to the Biyoole and Barwaaqo project investments into water infrastructure, Horn of Africa Groundwater project investments, Livestock sector investments being undertaken in the DRIVE project.

- e) The project will support investments in building resilient food systems in Somaliland, through four primary investment pathways;
 - a. rejuvenating Somaliland’s agri-livestock research institutions, seed systems, extension services, and develop community institutions that can anchor adaptation of climate smart agri-livestock practices,
 - b. strengthening the availability of water and improved rangelands management for resilient agriculture and livestock production,
 - c. strengthening the integration of the production systems to domestic and regional markets, with appropriate investments in food safety and value addition, and
 - d. establishing an enabling policy and institutional framework at sub-national, national and regional level capable of supporting food systems resilience for Somalia.

1.2 Project Development Objective

- 3. The Project Development Objective (PDO) for S-FSRP will be ‘to increase preparedness against food insecurity and improve the resilience of food systems in targeted project areas of Somaliland’. Progress toward the PDO will be measured using five PDO indicators and intermediate indicators. All relevant indicators will be disaggregated by gender (men and women) and age (youth and adult).

1.3 Project Components

- 4. The Project has 5 Components including the Contingent Emergency Response Component (CERC). The project components, sub-components and resource allocation is outlined below:

Table 1: Project Components

S. No.	Component
1	<p>Comp. 1: Agriculture and Livestock public good and services for food security</p> <p>Sub-comp 1.1: Re-building Agri-Livestock Research, Extension and Seed Systems</p> <p>Sub-comp 1.2: Community engagement and Technology Transfer</p> <p>Sub-comp 1.3: Digital Farmer Solutions and data systems</p>
2.	Comp. 2: Sustainable landscapes for resilient food systems

S. No.	Component
	Sub-comp 2.1: Strengthening water availability for agriculture and livestock Sub-comp 2.2: Strengthening rangeland management for agriculture and livestock
3.	Comp 3: Regional and domestic markets for food security Sub-comp 3.1: Developing market facing institutions Sub-comp 3.2: Market Infrastructure and Enterprise Development Sub-comp 3.3: De-risking production through credit and savings
4.	Comp. 4: Institutions, policies and knowledge for regional food security Sub-comp 4.1: Enabling policy and capacity building for resilient agriculture Sub-comp 4.2: Enabling policy and capacity building for resilient livestock
5.	Comp. 6: Project Coordination and Management Sub-comp 6.1: Project Implementation and Coordination Sub-comp 6.2: Monitoring and Evaluation.

1.4 Project Beneficiaries

5. The project will directly benefit an estimated 65,000 small farmers, agro-pastoralists and nomadic pastoralists, of which at least 30 percent will be female. In addition, the project will support value chain stakeholders including women-owned agri-business enterprise, financial services providers, Disruptive Agriculture Technology organizations, and agriculture research and extension institutions. It will also support investments for building inclusive POs, and infrastructure investments to upgrade value chains. Integration of ICT and digital agriculture solutions is an essential cross-cutting element in the project.

1.5 The Project Expected Results

6. The Project is expected to lead to the following high level results
- i. Reduction of food insecure people in project-targeted areas (percentage);
 - ii. Farmers adopting supported climate-smart innovations and practices (number, and percentage of which female and climate resilient);
 - iii. Increase in land area under sustainable landscape management practices (hectares);
 - iv. Increase in volume of agricultural production sold on domestic and regional markets (percentage);
 - v. Policy products related to agriculture, natural resources management, and food systems resilience adopted with the project’s support (number)

1.6 Labor Management Procedures of the World Bank

7. This LMP lays out the project’s approach to meeting national requirements, as well as the objectives of the World Bank’s Environmental and Social Framework (ESF), specifically “Environmental and Social Standard 2 (ESS2): “Labor and Working Conditions” and

Environmental and Social Standard 4 (ESS4): “Community Health and Safety.” The LMP is aimed at promoting the implementation of a systematic approach to improving the management of risks and impacts related to labor and working conditions in the proposed project. The procedures identify the ways in which national law and the requirements of ESS2 and ESS4 are applied to the project.

8. The LMP is to be applied with due consideration to the requirements of national laws, the interrelatedness of ESS2 with other ESSs in general, and ESS4 in particular. ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. The main objectives of developing LMPs are to:
 - i. Promote safety and health at work;
 - ii. Promote the fair treatment, non-discrimination and equal opportunity of project workers;
 - iii. Protect project workers, including vulnerable workers such as women, persons with disabilities, and migrant workers, contracted workers, community workers and primary supply workers, as appropriate;
 - iv. Prevent the use of all forms of forced labor and child labor;
 - v. Support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law;
 - vi. Provide project workers with accessible means to raise workplace concerns; and
 - vii. Address the way in which the SPCUs will require contractors/subcontractors and primary suppliers to manage their workers in line with ESS2.
9. The LMP sets out the terms and conditions of employment for employing or engaging workers on the project. It also specifies the requirements and standards to be met and policies and procedures to be followed, processes for assessing risks and implementation of compliance measures. The LMP is developed to help avoid, mitigate, and manage risks and impacts in relation to project workers and ensure non-discrimination, equal opportunity, protection, fair treatment, and safe and healthy working conditions. The LMP is a living document to facilitate project planning, preparation, and implementation. It is anticipated that the LMP will be updated as additional information becomes available during project implementation, including in relation to workforce numbers and requirements, timing of project activities, and associated due diligence and social risk management.
10. Although some of the OHS activities are covered under the ESMF, the extensive aspects of OHS are covered in this Project’s LMP. It is, however, notable that the project will be subject to a range of labor risks, including OHS risks, safety and security risks and the potential use of child labor among others. Local contracting arrangements may also mean that project workers do not have contracts or are subject to unfair conditions (lack of breaks, irregular pay, and so on). Female workers may be discriminated against in terms of employment but are also at higher risk of SEAH, and other forms of GBV. Pandemics like covid-19 may continue to play a role in influencing project implementation, notably around stakeholder engagement and face-to-face gatherings. Virtual options for meetings will be used where appropriate and necessary.

The extent of any labor influx is low, however, the presence of even relatively small numbers of external workers can result in social tensions, increased risk of transmission of diseases and the risk of sexual exploitation and abuse, sexual harassment, and other forms of gender-based violence (GBV).

11. **Forced labor risk in the procurement of solar panels/components:** There is a significant risk of forced labor in the global supply chain for solar panels and solar components. This may expose project primary supplier to such illegal sources. To support forced labor risk mitigation, the Bank would require the Borrower to include in the primary supplier's procurement documents undertaking not to procure solar panels/components for the "core functions of a project" as defined in the World Bank Environmental and Social Framework from sources that uses forced labour. This undertaking shall also be included in labor bidder declarations, qualification requirements, strengthened forced labor contractual provision, and mandatory prior review/no-objection by the Bank. The new requirements apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application.
12. There are also risks associated with labor and working conditions including workplace sexual harassment, child and forced labor, lack of contractor compliance with national labor laws and ESS2, and discrimination against women, minorities and persons with disabilities in recruitment and employment are all potential risks during project implementation which will need to be further assessed and addressed, as well as security risks impact on workers and communities.

2.0 OVERVIEW OF LABOR USE ON THE PROJECT

2.1 Labor requirements

13. The Project will include the use of: (i) direct workers including PCU staff and technical advisors, etc. The workers will be involved in implementation phase of subprojects including planning activities, supervision and monitoring, etc., many of whom will be existing government workers ; (ii) contracted workers mainly associated with the construction activities under component one; and (iii) primary supply workers who will be employed by companies that provide goods and services needed for the project. Community workers may also be involved by contractors in support of infrastructure development.

Direct workers: including MoAD, MOECC and MoLAFD staff, consultants hired in the PCU, and technical and supervision consultants for the various works including ICT personnel.

Contracted workers: these include skilled staff of the primary contractors (construction companies hired to deliver on the project), skilled workers engaged by sub-contractors (e.g., heavy machine operators), and, immigrant workers engaged by the contractor, and including female workers and consultants).

Primary supply workers: these will include workers hired to supply essential school construction materials such as aggregates and building blocks on an ongoing basis for the project or the equipment needed for ICT.

Community workers: these will include community members who will provide leadership in land identification, oversight during the construction, recruitment of local construction workers, Social accountability committees provide an independent accountability mechanism for the project. Unskilled community members engaged by the contractors or work through the guidance of their local leaders in the project (e.g., host community members and IDPs) Although these members may work voluntarily without remuneration, if that is the case, the PCU will ensure their voluntary engagement is not coerced and is well documented the PMU will also ensure their rights are protected in a way consistent with the ESS2 and will not be remunerated by the project, OHS including security and GBV/SEA measures will apply.

Civil servants: Government civil servants (including local officers in the ministries and departments, administration staff and maintenance staff) will remain subject to the terms and conditions of their existing public sector employment, although OHS including security and GBV/SEA measures will apply. Table 2 presents a list of the workers and timing of their engagement in the project.

14. Significant labor influx is not expected as a result of the projects like rehabilitation of dilapidated infrastructure investments, barrages, water gates, canals, and upgrades of market infrastructure in key market centers. Under Component 2 and 3 project activities are expected to involve limited civil works in communities including community driven development works. Labor is therefore expected to be required from contractor workers and community

workers. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain, as well as OHS risks during construction and operational phases as such OHS requirements will be made part of contracts. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible in the workforce. The security of project workers and investments will also be relevant, especially in locations which are insecure or where there is localised conflict due between clans or other groups.

15. For component 2 and 3 activities, the majority of workers are likely to be community workers (as defined by the ESS 2) engaged by the contractors, and some skilled laborers contracted for the ecosystem-based adaptation. It is expected works under this component will be small, labor intensive engaging community workers with hand tools, on subprojects such as soil and water conservation, afforestation, terracing without heavy equipment on site.
16. Project workers will be subject to the relevant requirements of national law and ESS2 via this LMP including clear information on the terms and conditions of employment, principles regarding non-discrimination and equal opportunity, rules regarding child labor and forced labor, and OHS measures. The LMP also documents the approaches to addressing worker grievances and will need to be consulted on and cleared prior to effectiveness.
17. The LMP will be administered to the different categories of project workers as summarized in Table 1-2

Table 2: Overview of Labor Description on S-FSRP

Category	Description	#	Timeframe/project phase
Direct workers	Project workers MoAD/ MoLFD/MOECC PCU staff.		Throughout the project cycle.
	Experts (contracted by the MoDI/MoLFD/MOECC to deliver on specific tasks		Throughout the project cycle
Contracted workers	Contracted to construction activities		Construction Period
	ICT delivery/support (back office) if not included in the category above		Throughout the project cycle
	GBV service providers		Throughout the project cycle
Primary supply workers	Providers of construction materials Suppliers of ICT equipment		During construction and during project activities
Community workers	Members of the community helping in Village Development Committee (VDC), IDPs and community members employed at the project		Throughout the project cycle

2.2 Labor Requirements and women’s participation

18. The direct workers of the project will generally be required to work full time and around the year for the project duration. Consultants and contract workers will be engaged based on the

need. Primary supply workers will be engaged in project activities as per the requirements of the project team and contractors. Community level workers will be required during specific times based on the roll out of project activities. Given the large role that women play in both agriculture and livestock activities, the project will address challenges that have traditionally limited women's productivity, particularly access to extension services and inputs. Drawing on lessons from past and ongoing projects in Somaliland, the project will reserve 30 percent of leadership positions for women in Village Development Committees (VDCs) that participate in the project, while also supporting targeted and culturally sensitive outreach and engagement strategies through PCUs and trained female facilitators to enhance women's voice in decision-making and planning processes, especially in areas where female participation is lacking. An audit of processes will be conducted to determine risk points where women can be excluded for example, selection for asset transfers and labor-intensive public works (LIPW). Other training will be designed and delivered at times and in locations that are convenient to women given the demands for their time from other duties, and childcare will be provided to facilitate their participation. The Project manuals will clarify how this is going to be tracked.

- The application of prevention and control measures to occupational hazards should be based on comprehensive job safety or job hazard analyses. The results of these analyses should be prioritized as part of an action plan based on the likelihood and severity of the consequence of exposure to the identified hazards.

3.0 ASSESSMENT OF KEY POTENTIAL LABOR RISKS

19. Potential risks are those related to labor and working conditions, such as work-related discrimination, forced labor, child labor, labor influx, GBV/SEAH, OHS, and security risks. The PCU will assess and address these risks by developing recruitment guidelines and procedures while putting in place appropriate OHS measures applying relevant provisions of the Somaliland Labor law (2020), the Civil Service Law, and World Bank Group's Environmental Health and Safety Guidelines (WBG EHSGs) including Good International Industry Practices (GIIP) for the proposed project. Specific to activities/ sub-projects, the Project will further develop labor-related mitigation measures in each site-specific ESMPs and updated and incorporated in contractors' OHS plans. Appropriate mitigation measures to address the potential risks will be incorporated into procurement documents as well.
20. Under Component 2 and 3 project activities are expected to involve limited civil works in communities for example irrigation infrastructure, rehabilitation of barrages, water gates, and canals, supporting on-going water point investments in Biyoole and Horn of Africa Groundwater project and support irrigation solutions for bringing water to farms from water points while also making need based additional investments in water harvesting and water catchment structures. In improved irrigation zones, the project will support farmer led fodder production through solar energy solutions, spate irrigation, and contour bunding and terracing. Labor is therefore expected to be required from contractor workers and community workers. Potential labor risks could include informal arrangements between contractors and local labor, child and forced labor at construction sites and in the supply chain as well as OHS risks during construction and operational phases, as such OHS requirements will be made part of contracts. Risks of Sexual Exploitation and Abuse and Sexual Harassment (SEAH) are also possible by and among the workforce including among the staff and consultants offering technical advise. The security of project workers and project investments will also be relevant, especially in locations which are insecure or where there is localised conflict between clans or other groups.
21. As for risks associated with Terms and Conditions of Employment, these would include long working hours, lack of rest and working under high-temperature weather conditions, lack of disciplinary measures, recruitment selection bias, and issues with termination procedures. Additionally, risks expected are also associated with discrimination at workplace and unequal opportunities. These include risks of sexual harassment, sexual exploitation and abuse and labor exploitation cases.
22. With respect to requirements of Protecting the Workforce, there is a risk of child labor and forms of forced labor in the agriculture sector in the participating countries (Somaliland in this case). Potential labor risk is anticipated during strengthening water availability for agriculture and livestock sub project- spate irrigation, contour bunding, and therefore solar energy solutions will be used. There is a risk of forced labor in the procurement of Solar Panels/components in the global supply chain for solar panels and solar components, terracing and contour bunding. To support forced labor risk mitigation, the project will strengthen procurement documents that include civil works and equipment procurement. These strengthened measures include forced and child labor bidder declarations, qualification

requirements, strengthened forced labor contractual provision, and mandatory prior review/No-objection by the Bank. The requirements will apply to both international and national competitive procurement and any direct selection/direct contracting within the scope of application. Agricultural labor may attract labor from outside the area and poses risk of labour influx. Therefore, expansion of agricultural activities will need to be monitored in terms of labor influx.

23. Potential Occupational Health and Safety risks during the construction phase of the activity structures include slip and falls from manual handling of objects, injuries from working on heights and depths, burns from hot works (welding), electrocution during installation and operation of solar panels, injury and cuts from moving machinery and equipment, traffic and fire incidents, and general dust and noise impacts from construction works. As a technical reference document with general and industry-specific examples of Good International Industry Practice, the WBG's EHSGs will be adopted for risk management and mitigation of adverse impacts.
24. Due to the nature of work in the agriculture sector, workers are exposed to a variety of risks related to Occupational Health and Safety, during the operational phase. These include risks of exposure to fertilizers and pesticides and machinery handling, which may lead to various health and safety impacts. Other key labor risks which may be associated with the project activities could include: the conduct of hazardous work, such as the use of chemicals and use of heavy machinery, possible accidents due to the use of rotating and moving equipment, health problems when workers may come in contact with animals and plants, such as bites and poisoning, possible exposure to infectious diseases, such as Covid-19, electrical safety due to the use of faulty electrical devices, such as cable plugs, cords, and hand tools
25. To effectively and efficiently manage any identified OHS risks as a result of project activities, the project management will consider the following to understand the magnitude of the observed risk: (i) identify EHS project hazards and associated risks as early as possible; (ii) involve qualified EHS professionals to assess and manage EHS impacts and risks, and carry out specialized environmental management functions including the preparation of project or activity-specific Health and safety plans and procedures that incorporate the technical recommendations presented in this document; (iii) understand the likelihood and magnitude of EHS risks, based on nature and potential risks; (iv) prioritize risk management strategies with the objective of achieving an overall reduction of risk to human health and the environment; (v) if avoidance is not feasible, incorporate engineering and management controls to reduce or minimize the possibility and magnitude of undesired consequences; (vi) prepare workers and nearby communities to respond to accidents, including providing technical and financial resources to effectively and safely control such events; and (vii) improve EHS performance through a combination of ongoing monitoring of facility performance and effective accountability consistent to EHSGs.
26. Discrimination and exclusion of vulnerable groups. If unmitigated, vulnerable groups of people as well as communities who meet the requirements of the World Bank ESS7 may be subject to increased risk of exclusion from employment opportunities. Such vulnerable and

marginalized groups include, women, female headed households, single parents, the elderly and sick, expectant mothers, persons with disabilities (PWDs), IDPs, and nutritionally challenged while those communities who meet requirements of the World Bank ESS 7 should also be targeted to benefit from the labor related activities. Sexual harassment and other forms of abusive behavior by workers or managers will also have the potential to compromise the safety and wellbeing of the vulnerable groups of workers and the local communities, while adversely affecting project performance.

27. Security risks. With conflict on-going in Sool region, and other clan disputes frequently happen in Some areas of Sanaag and Togdheer region, the security risk for the project workers is existed.

4.0 BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

4.1 National Labor Legislation

28. The Constitution of the Republic of Somaliland (adopted in 31 May 2001) provides the legislative framework for labor issues. Somaliland labor/employment law (Law Number 31/2004/2010, currently 31/2020 after amendments, which follow somalian Labour Code No. 65 of 18 October 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and conditions, remuneration, and OHS, trade unions and labor authorities. The provisions of the Labor law apply to all employers and employees in all project areas and is applicable to all project workers. The Labor law is broadly consistent with the ESS2 but there is a significant gap in the enforcement aspect of the legislation (see Section VIII on the institutional framework). The public service or public institutions are governed by the Civil Service Law (Law No. 7/96). Somaliland has also ratified several International Labor Organization (ILO) covenants and treaties.

OHS concerns have been identified as a potential risk associated with the Project activities. Therefore, in accordance with the requirements of ESS2, this LMP includes measures to address OHS risks. The purpose of the LMP in relation to ESS2 is to describe how the Project management, together with the Project coordination Unit (PCU), will manage all project workers in relation to the associated risks and impacts.

29. The Ministry of employment and Social Affairs (MESAF) is responsible for labor policy and regulatory frameworks.
30. In the absence of a fully adopted revised Somaliland Labor law and functioning implementation mechanisms (oversight bodies and courts), the ability of the government to adequately adjudicate the provisions in the LMP is constrained. The Civil Service Commission is able to address the complaints of civil service workers that are limited to unfair dismissals.

Through the LMP, the Government has identified gaps between ESS2/ESS4 requirements and legislation and its implementation so that these can be promoted as part of the project through appropriate technical assistance.

31. Collective Agreements:

A collective agreement is an agreement relating to terms and conditions of work concluded between the representatives of one or more trade unions, on the one hand, and the representatives of one or more employers, on the other hand. Where collective agreements exist between the employer and project workers, such agreements will be applied, where relevant

32. Below is the list of relevant provisions of the Labor law with regard to terms and conditions of work.

a. Content of individual contract of employment (Article 27)

- Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; (g) procedure for suspension or termination of contract.

b. Notice for termination of contract (Article 44)

- Either of the contracting parties may terminate a contract of employment by giving written notice as follows:
 - (a) Not less than six weeks for permanent workers;
 - (b) Not less than two weeks for fixed employment
 - (c) No notice need be given in case the duration of contract does not exceed one month.
 - (d) No notice need to be given in-case the employee made objection for his duties, or do unethical behavior like looting, negligence, fight or cheating.

c. Minimum wages (Article 23)

- Taking into consideration the economic and social conditions of the country, the minimum wages shall be based on the general socio-economy of the society.

d. Hours of work (Article 11)

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which is \$2/hour base to his normal remuneration.

e. Weekly rest (Article 14)

- Every worker shall be entitled to one day's rest each week, which should normally fall on Friday. It shall consist of at least 24 consecutive hours each week.
- Workers shall also be entitled to a rest day on public holidays recognized as such by the State.

f. Annual leave (Article 16)

- Workers shall be entitled to 30 days leave with pay for every year of continuous service.

- An entitlement to leave with pay shall normally be acquired after a full year of continuous service.
- g. **Death benefit (Article 26)**
- In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.
- h. **Expecting and nursing mothers (Article 19)**
- A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with full pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.
- i. **Nursing breaks (Article 19)**
- A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

33. Further, the Labor Code has put provisions regarding child labor and forced labor. These are detailed as follows:

Child Labor

- a. Prohibited work (Article 46)
- The term "children" means persons of either sex who have not attained the age of 15 years and the term "young persons" means those who have attained the age of 15 years but have not attained the aged of 18 years.
 - Where the age is uncertain, medical opinion shall be obtained.
- b. Unlawful to employ children (Article 46)
- It shall be unlawful to employ children under the age of 15 years, provided that this restriction as to age shall not apply to:
 - (a) Pupils attending public and state-supervised trade schools or non-profit-making training workshops;
 - (b) Members of the employer's family and his relatives if they are living with him and are supported by him and are employed on work under his orders in an undertaking in which no other persons are employed.
- c. Minimum age for certain types of work (Article 46)
- The minimum age for employment on a vessel as a trimmer or stoker or on underground work in quarries or mines shall be 18 years, provided that the minimum age for any other employment on a vessel (including a fishing vessel) shall be 15 years;

- Young persons under the age of 16 years shall not be employed in work done on flying scaffolds or portable ladders in connection with the construction, demolition, maintenance or repair of buildings.

Forced Labor - Freedom of labor : Forced or compulsory labor is forbidden in any form.

a. International Conventions and Treaties

34. Somaliland (under Somalia name) has been a member of the International Labor Organization (ILO) since 1960. The country has ratified 6 out of 8 fundamental conventions of the International Labor Organization (ILO), including the following:

- *Forced Labor Convention* (No.29) (ratified in 1960);
- *Freedom of Association and Protection of the Right of Organize Convention* (No. 87) (ratified in 2014);
- *Right to Organize and Collective Bargaining Convention* (No.98) (ratified in 2014);
- *Abolition of Forced Labor Conventions* (No. 105) (ratified in 2014);
- *Discrimination (Employment and Occupation) Convention* (No. 111) (ratified in 1961); and
- *Worst Forms of Child Labor Convention* (No. 182) (ratified in 2014).

35. The following were ratified:

- *International Labor Standards Convention, 1976* (No. 144);
- *the Occupational Safety and Health Convention, 1981* (No. 155);
- *the Promotional Framework for Occupational Safety and Health Convention, 2006* (No. 187);
- *the Migration for Employment (Revised) Convention, 1949* (No. 97);
- *the Migrant Workers (Supplementary Provisions) Convention, 1975* (No. 143);
- *and the Private Employment Agencies Convention, 1997* (No. 181).

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

a. National Labor Legislation

37. The Revised Draft Somaliland Labor law (2020) has more emphasis on OHS requirements. It makes the supervisors responsible for the registration of hazards and risks, regulation and supervision of all workplaces and monitoring or enforcing compliance with Labor law and any other Labor law to the extent that they regulate safety, health and welfare in the workplaces. Article (54) covers the protection against risks to workers, administration of occupational accidents, injury and disease provisions at workplace including providing medical requirements at site and conveyance to hospitals, employer's general duties towards to OSH, insurance requirements, employees' general duties, medical support, compensations, offenses and penalties, etc. Below is the list of relevant provisions of the Labor Code about OHS:

Protection against possible risks (Article 54)

38. All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks. For this purpose, the employer shall:

- Maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health;
- Take suitable measures to prevent contamination of workplaces from toxic gases, vapors, dust, fumes, mists and other emanations;
- Provide sufficient and suitable toilet and washing facilities, separate for men and women workers;
- Provide an adequate supply of drinking water easily accessible to all workers;
- Maintain fire-fighting appliances and staff trained in their use;
- Provide the necessary safety appliance adapted machinery and plant;
- Maintain machinery, electrical and mechanical plant, instruments and tools in good condition to ensure safety;
- Provide suitable installations for the removal of refuse and drainage of residual waters;
- Take the necessary precautions in the establishment to protect the life, health and morality of the workers;
- Ensure that staff receive the necessary instructions for the prevention of industrial accident, occupational diseases and other risks inherent in their occupations;
- Post up in conspicuous parts of the workplace's notices explaining clearly the obligations of the workers to observe safety rules, and visual signs indicating dangerous places;
- Supply the workers with the apparatus and instruments to guard against the risks inherent in the workplace and the work they do; and
- Take steps to provide the necessary first aid in urgent cases to workers involved in accidents or falling sick during work.

39. Medical facilities (Article 54)

- Every undertaking normally employing more than ten workers at the single centre shall maintain a first-aid chest.

a. World Bank provisions

40. Guidelines on OHS requirements: Measures relating to OHS will be applied to the project. The OHS measures will include the requirements of this LMP and will take into account the General Environmental Health and Safety Guidelines (EHSGs), General EHS Guideline, and other Good International Industry Practice (GIIP). The OHS measures applicable to the project will be set out in the legal agreement and the Environmental and Social Commitment Plan (ESCP).
41. Guidelines on non-discrimination and equal opportunity: Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination on the basis of personal characteristics unrelated to inherent job requirements, with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices. This LMP sets out measures to prevent and address harassment, intimidation, and/or exploitation. Where national law is inconsistent with this paragraph, the project will seek to carry out project activities in a manner that is consistent with the requirements of this paragraph to the extent possible.
42. Guidelines on gender and GBV: The project team will provide appropriate measures of protection and assistance to address the vulnerabilities of project workers, including specific groups of workers, such as women, people with disabilities, migrant workers, and children (of working age in accordance with this ESS. Such measures may be necessary only for specific periods of time, depending on the circumstances of the project worker(s) and the nature of the vulnerability.
43. Guidelines on the child labor: The project shall only employ people aged 18 years and above as a precautionary measure.

a. Gap Analysis Between ESS2 and Somalia Labor Laws Provisions

44. Table 3 presents an analysis of the key legal provisions and the gap between the Somaliland and World Bank requirements. As noted earlier, the key challenge for Somaliland is inadequate enforcement of the legal provisions.

Table 3: Gap analysis between Somaliland Legislation and World Bank Standards

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
a. To promote safety and health at work.	The Labor Code of 1972. The employer is obligated to provide adequate measures for health & safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances.	N/A	The ESS2 will apply. The Project will apply occupational health and safety management system that is consistent with the IFC General Environmental Health and Safety Guidelines (EHSGs) on OHS.
b. To promote the fair treatment, non-discrimination and equal opportunity of project workers.	The Labor law stipulates that all contracts of employment must include a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and c) the procedure for suspension or termination of contract. Furthermore, all contracts must be submitted to the competent labor inspector for pre-approval.	N/A	The ESS2 will apply The project will implement a workers' grievance mechanism to redress facilitate workplace concerns. See Section 9.
	The Labor law. Remuneration must be adequate in view of the quality and quantity of the work delivered and must be non-discriminatory in regard to age, gender and other aspects.	Women are restricted from being employed in night work, and the specific types of work prohibited for women may be prescribed by decree.	The Project will fully comply with the national law and WB ESS 2. Any complaints that emerged through the workers' grievance mechanism will be addressed.

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
	Maximum number of working hours per week are 8 hours per day and 6 days per week.	No provisions on the protection of the rights of domestic workers	
	The law states that all workers, particularly women, have a special right of protection from sexual abuse, segregation and discrimination in the workplace. Every labor law and practice shall comply with gender equality in the workplace. Every Labor law shall comply with gender equality.	Somaliland doesn't approved law about SGBV offenses, therefore it follow Somali criminal penal code	The LMP spells out a workers' grievance management mechanism; and the GBV Protection and Response Plan provides referral pathways for cases of GBV (see annexes)
c. To protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary	Somaliland labor law. Some work is considered dangerous and unhealthy and forbidden for women and youth (defined as 15-18 years of age). This includes the carrying of heavy weights or work at night.	N/A	The Project will only allow deployment from the age of 18 years as a precautionary measure. ESS2 will apply

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
d. To prevent the use of all forms of forced labor and child labor.	<p>Somali penal code which Somaliland now follow prohibits that a person may not be subjected to slavery, servitude, trafficking, or forced labor for any purpose.</p> <p>Human trafficking: A person may not be subjected to slavery, servitude, trafficking or forced Labor offences</p>	<p>Regarding the revised Somaliland labor law (2020), no articles about stating slavery, trafficking or forced labor</p> <p>There are no clear sections for protecting the vulnerable</p>	<p>a. The ESS2 will apply.</p> <p>b. The Project will not allow any forced labor, and will ensure compliance with ESS2</p> <p>c. The PCU will have overall responsibility to monitor the implementation of the LMP</p>
	<p>The Labor law. The Labor Code forbids work for children below the age of 15, but allows mature children to work (15 – 18)</p> <p>Yet employment has to be compatible with proper protection, health and the moral of children.</p>	<p>Children are deployed in worst forms of child labor (forced recruitment by army, forced labor in domestic work, agriculture and herding, breaking rocks for gravel, construction work, commercial sexual exploitations)</p> <p>However, Somaliland made efforts to stop any form against the law, also passed a law about Trafficking and Smuggling.</p>	<p>The Project will only allow deployment – in all project worker categories – from the age of 18 years as a precautionary measure. During the hiring process, careful scrutiny will be employed in the review of documentation that established one’s age.</p> <p>The ESS2 will apply.</p>

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
		<p>Children are further deployed in agriculture (farming, herding livestock, fishing); industry (construction, mining and quarrying); services (street work, working as maids in hotels, domestic work, voluntary recruitment of children by army); children also perform dangerous tasks in street work</p> <p>Laws do not identify hazardous occupations or activities prohibited for children, and.</p> <p>Government does not employ labor inspectors and conducts no inspections.</p>	
e. To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.	The Somaliland labor law also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions.	N/A	The project will follow national laws and ESS 2 which requires that the project to support the principles of freedom of association and collective bargaining of workers in a manner consistent with national law.

ESS 2: Labor and Working Conditions			
ESF Objectives	National Laws and Requirements	Gaps including in implementation	Recommended Actions
f. To provide project workers with accessible means to raise workplace concerns.	The Labor law. Workers have the right to submit complaints and the employer must give the complaints due consideration.	N/A	The ESS2 will apply. The project will implement a workers' grievance mechanism to address/facilitate workplace concerns. See Section 9

45. RESPONSIBLE STAFF

46. The Project will establish a PCU that will run the project. At the village level, there will be a VDC who are representatives of the community where the investments will be. The project will be implemented by the Ministry of Agriculture development (leading), Ministry of livestock and fisheries development and Ministry of Environment and climate change in coordination with the Ministry of finance and other relevant institutions. The PCU will establish under MOAD leadership. Financial resources will flow from the Ministry of Finance to the PCU. The PCU will be responsible for day-to-day activities and project implementation with consultation of technical Team. The PCU will engage consultants or human resource from within to build the capacities of the project staff throughout the implementation period. Staff engagement will be guided by the regulations outlined in this LMP for the project.
47. The project coordinator will coordinate the implementation of day-to-day administration of the project activities.

The PCU will have the following tasks in relation to labor and working conditions:

- i. Sensitize and train project implementing structures as well as beneficiaries on this instrument (LMP) at national, State, and Village levels.
- ii. Delegate to the government authority to exercise full operations of the Instrument in liaison with PCU.
- iii. Will monitor the operationalization of this instrument in addition to the others under SFSRP.
- iv. Promote and ensure the overall implementation of this LMP, including training and orientation of the staff at the stakeholder miniseries, and ensuring that all contractors and primary suppliers comply with the provisions of this LMP in line with ESS2 in relation to the management of their workers;
- v. Engage and manage consultants in accordance with this LMP and the applicable Procurement Documents;
- vi. Monitor the potential risks of child labor, forced labor and serious OHS issues in relation to primary suppliers;
- vii. Develop the tools necessary for the implementation of this LMP including the CoC for contractors and for workers;
- viii. Sensitize contractors and project workers on the provisions in the LMP including the CoCs;
- ix. Ensure that the GM for project workers is established and implemented and that workers are informed about it;

- x. Ensure that grievances received from the workers are resolved promptly, and reporting the status of grievances and resolutions;
- xi. Promote the LMP implementation and ensure monitoring of labor and OHS performance; and
- xii. Report to the World Bank on the implementation of the LMP every 6 months.

Implementing partners/Line Ministries: The implementing partners/line ministries will be required to implement the relevant provisions of this LMP, including an undertaking that:

- i. The expressions of interest (EOIs) for the implementing partners will refer to this document – NGOs will state their experience and capacity in implementing ESS2 requirements for their workers;
- ii. The social and environmental specialists will be recruited prior to project effectiveness with experience in labor management and will review the EOIs for adequate human resource management capacity;
- iii. The social and environmental specialists will conduct pre-bid workshops on the E&S requirements including Labor management for the shortlisted implementing partners;
- iv. The Implementing Partners will include a labor management plan with adequate human resources to implement the plan as part of the ESMPs submitted with their bids (RFPs); and
- v. The contractors’ labor management plan will be reviewed by the social and environmental specialists, including by the World Bank for no objection.
- vi. While national labor ministry Inspectorates lack capacity and resources, the project will engage these offices to monitor contractors as part of PCU inspections.

48. The various LMP Aspects to be considered by the Implementers as guided by the PCU are summarized in 1-4

Table 4: The various LMP Aspects to be considered in implementation of SFSRP

Responsibility area	Direct workers/Contracted workers	Primary supply workers
Human resources	Hiring the staff to serve in the PCU	N/A (outside the scope of ESS2)
OHS	Direct workers will follow OHS measures as contained in this LMP	The PCU will assess the risk of serious safety issues by primary suppliers, and as needed, require them to develop procedures to address these risks
Child labor and forced labor	The contract does not allow child labor and forced labor	
Training on CoC and other provisions	PCU/ consultants	n/a (outside the scope of ESS2)

Responsibility area	Direct workers/Contracted workers	Primary supply workers
CoC -For contractors -For workers (including contracted project workers)	The contract for direct workers will address relevant risks	
Grievance mechanism	PCU consultants	
Monitoring and reporting	PCU consultants to monitor and report World Bank	Relevant staff to monitor and report to PCU Coordinator To report the world Bank

49. The Project Managers and Coordinators will be responsible for overseeing all OHS aspects of the project including: the registration of hazards and risks; regulation and supervision of all workplaces; and monitoring or enforcing compliance with the Labor law and any other Labor Law to the extent that they regulate safety, health and welfare in the workplaces.

50. With respect to LMP implementation resources, the following indicative breakdown for overall preparation implementation and monitoring is proposed, which aligns with general implementation budget of ESMF. See Table 5 below.

Table 5: Indicative budget breakdown

S/No.	Activities	Year 1	Year 2	Year 3	Year 4	Year 5	Total
1	Project Sensitization Launch meetings	50,000					50,000
2	Capacity building on implementation of LMPs	20,000	20,000	20,000	20,000	20,000	100,000
3	Worker GM establishment, operationalization & trainings	10,000	10,000	3,000	3,000	3,000	29,000
	TOTAL						179,000

51. POLICIES AND PROCEDURES

a. Labor Policies and Strategies

52. Applicability and Approach: Pursuant to the relevant provisions of the national Labor law (Article 54), ESS2, including WBG Environmental, Health and Safety Guidelines (EHSGs) WBG General EHS Guideline, and WB standard procurement documents, the PCU will manage the project in such a way that the workers and the target communities are properly protected against possible OHS risks.

53. The Project, implementing agencies, supervisors, and contractors are also obliged to implement all reasonable precautions to protect the health and safety of workers. This section provides guidance and examples of reasonable precautions to implement in managing principal risks to occupational health and safety. Although the focus is placed on the operational phase of subprojects, much of the guidance also applies to construction and decommissioning activities.
54. The project will hire contractors that have the technical capability to manage the occupational health and safety issues of their employees, extending the application of the hazard management activities through formal procurement agreements.
55. Labor risk analysis will adopt the following strategy and procedure: (1) Identification of likely OHS hazards and assessing risks associated with project activities; (2) Training of exposed workers to these risks and how workers can address these risks through i) implementation of Standard Operating Procedures, and ii) as a last resort, use of PPE.
56. As for Hazard identification and Risk assessment, this is usually done in the design phase, before commencing work, however, identification of hazards and assessment of OHS risks is an ongoing process, and should be diligently performed during construction, operation, and decommissioning phases of the project/ sub-project/ activities.
57. Risk Assessment will take into consideration the following elements and whatever hazards lead to them: Integrity of workplace structures, Sever weather and facility shutdown, Workspace and exit, Fire precautions, Lavatories and showers, Potable water supply, Clean eating area, Lighting, Safe access, First aid, Air supply, and Work environment temperature.
58. When assessing Risk, the below Qualitative Risk Ranking Matrix should be adopted. Risks identified and assessed should be expressed as being: Extreme (E), High (H), Moderate (M), or Low (L).

Table 2.1.1. Risk Ranking Table to Classify Worker Scenarios Based on Likelihood and Consequence					
Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catas- trophic 5
A. Almost certain	L	M	E	E	E
B. Likely	L	M	H	E	E
C. Moderate	L	M	H	E	E
D. Unlikely	L	L	M	H	E
E. Rare	L	L	M	H	H

Legend
E: extreme risk; immediate action required
H: high risk; senior management attention needed
M: moderate risk; management responsibility should be specified
L: low risk; manage by routine procedures

Figure 1: Risk Ranking Table

Source: WBG EHSOs – General – 2.0 Occupational Health and Safety

59. Provisions for Training will be made to provide OHS orientation training to all new employees to ensure they are apprised of the basic site rules of work at / on the site and of personal protection and preventing injury to fellow employees. Training will consist of basic hazard awareness, site specific hazards, safe work practices, and emergency procedures for fire, evacuation, and natural disaster, as appropriate. Any site-specific hazard or color coding in use will be thoroughly reviewed as part of orientation training. Training records will be maintained

a. Management Procedures

60. Preventive and protective measures should be introduced according to the following order of priority:

- Eliminating the hazard by removing the activity from the work process. Examples include substitution with less hazardous chemicals, using different manufacturing processes, etc.;
- Controlling the hazard at its source through use of engineering controls. Examples include local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc.;
- Minimizing the hazard through design of safe work systems and administrative or institutional control measures. Examples include job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc.
- Providing appropriate Personal Protective Equipment (PPE) in conjunction with training, use, and maintenance of the PPE.
- The application of prevention and control measures to occupational hazards should be based on comprehensive job safety or job hazard analyses. The results of these analyses should be prioritized as part of an Action Plan (attached to OHS Plan) based on the likelihood and severity of the consequence of exposure to the identified hazards.

61. For labor management, the key elements of OHS measures will include:

- i. On procurement for contractors, the PCU will avail the ESMF and a standards ESMP to the aspiring contractors so that contractors include the budgetary requirements for OHS and community health and safety measures and instruments in their respective bids.
- ii. The PCU, either through a consultant or through internal resources, will develop a OHS Plan and the contractor will maintain it (see Annex 3 for the OHS Plan Template). The Plan will be consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on OHS which can be found at <http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2Band%2BSafety.pdf>.
- iii. The contractor will adopt the project specific contractor C-ESMPs to help manage labour construction risks (technical support will be extended on need basis.
- iv. The contractor, with the support of the environmental specialist at the PMU, will provide appropriate training/induction of project workers and maintenance of training records on OHS.
- v. identification of potential hazards to workers;
- vi. provision of preventive and protective measures
- vii. documentation and reporting of occupational accidents and incidents;
- viii. development of a robust emergency preparedness process.

62. The Project will adopt a regular review of OHS performance during its life cycle. This approach will be based on: (i) identifying health and safety hazards and risks associated with project activities; (ii) implementing effective methods for responding to identified hazards and risks, including training of exposed workers to these hazards and risks, and how workers can address these risks (through implementation of Standard Operating Procedures, and as a last resort using PPE); (iii) setting priorities for taking actions; and finally (iv) evaluating results.

a. Discrimination and exclusion of vulnerable groups:

63. The employment of project workers under the project will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination based on personal characteristics unrelated to inherent job requirements with respect to any aspects of the employment relationship, such as relating to recruitment and hiring, terms of employment (including wages and benefits), termination and access to training.

Procedures

- i. The contractor shall keep the record for all the workers
- ii. The contractor shall work closely with the community to ensure majority are included;
- iii. Continuously reexamine the workers list to ensure divergence;
- iv. The NPCU and will monitor the level of compliance
- v. The GM log shall be reviewed to guide on the compliance.
- vi. The project shall comply with ESS2 the national Labor Code on gender equality in the workplace, which will include provision of maternity leave and nursing breaks and sufficient and suitable toilet and washing facilities, separate for men and women workers. In some cases, affirmative action measures will be used to recruit more female workers.

a. Security risks:

64. Considering substantial security risks in some parts of the country, the project will develop a robust security risk assessment and a project wide security management plan (SMP).

Procedures

There will be full time, well-experienced security advisor in the NPCU at FGS level, who will work with the contracted certified security management firm as follows:

- i. Site specific Security Risk Assessments and Management Plans will be developed and cleared by the World Bank before sites are confirmed and relevant clauses included in the contractors ESMPs, before contracts are signed.
- ii. The NPCU security advisor and the certified security risk management firm should be contracted as before the project becomes effective;

- iii. The PCU security advisor and the certified security risk management firm will review the E&S due diligence reports for contractors for adequate security management capacity.
- iv. The security management firm will provide ongoing updates of the security risk assessments and capacity building support.

a. 7.5. GBV/SEAH incidents

65. Given the context of fragility, conflict and violence in Somaliland, sexual exploitation and abuse/harassment (SEAH) of co-workers and survey respondents is a substantial risk. Thus, all project workers and government civil servants working on the project will be required to sign a CoC outlining expected standards of behaviour and the consequences of violations in this regard and attend regular awareness sessions on the same. In addition, staff and GM focal points will receive guidance on handling complaints of GBV/SEAH including ensuring utmost confidentiality, following the wishes of the survivor in raising the complaint and referring the survivor to supportive GBV services.
66. All staff and GM focal points will be informed that if a case of GBV is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred for services from a recommended service provider. They should not under any circumstances try to investigate or refer the issue without explicit agreement of the survivor. If the complainant thinks a worker on the project is involved in the incident or is unsure, the GM focal point should report the incident immediately to the Head of the NPCU who will provide further guidance after consulting with the World Bank. A detailed SEAH prevention and response Plan has been prepared for this project as part of the ESMF.
67. **Monitoring and reporting:** The PCU shall report to the Bank on the status of implementation of the above policies and procedures on a quarterly basis. The PCU will closely monitor labor and OHS performance of the project and report to the World Bank on a quarterly basis.
68. **Fatality and serious incidents:** In the event of an occupational fatality or serious injury, the PCU shall report to the Bank as soon as it becomes aware of such incidents (ESIRT, November 2018)¹. As agreed in the Project's Environmental and Social Commitment Plan (ESCP), the following will be followed:
- a) Notify the Bank no later than 48 hours after learning of the incident or accident.
 - b) Within 10 days of the incident, develop a Safeguards Corrective Action Plan (SCAP) to prevent the reoccurrence of future incidents. The PCU or, where relevant, a consultant may conduct a root cause analysis for designing and implementing further corrective actions. Such Incidents and accidents will also be included in the Aide Memoire (AM) & quarterly report.

¹This clause should be included in all relevant bids and contracts.

c) Other incidents and accidents not subject to this detailed reporting obligation will be included in the quarterly report.

69. Incidence will also be communicated to the government authorities (where available) in accordance with national reporting requirements. Corrective actions shall be implemented in response to project-related incidents or accidents.

70. AGE OF EMPLOYMENT

71. **Minimum age:** As presented above, the Labor law of Somaliland (Article 46) provides that the minimum age for employment on underground work in quarries or mines shall be 18 years. While the national Labor Code allows persons under 18 and over 15 years to engage with work with non-hazardous nature, it is appropriate for the project to take a precautionary approach, considering the limited capacity for monitoring and risk management in the fragile operational environment and inadequate national labor inspection mechanism. **The minimum age for workers employed/engaged in relation to the project is set at 18 years. No one under 18 years of age will be employed/engaged in project activities.**
72. **The process of age verification:** Verification of age shall be undertaken prior to the engagement of labor and be documented. Below is a list of indicative age verification means that could be used in Somaliland context where official ID system is broadly available:
- a. Check the birthday on official documents such as birth certificate, national ID or other credible records, where available;
 - b. Obtain written confirmation from a medical practitioner, parents or guardian; or
 - c. Inquire with a local community leader, community action group or with other credible community sources.
73. The PCU will undertake monitoring, at a minimum every six months, of all project workers, to ensure that all contractors, subcontractors and primary suppliers engaged in project activities are not employing/engaging anyone under 18 years of age for work in relation to the project.
74. If a person under the minimum age of 18 years is discovered working on project activities, the PCU will take measures to terminate the employment or engagement of that person in a responsible manner, considering the best interest of that person.
75. To ensure that the best interests of the child under 18 years are considered, the PCU will undertake, and ensure that all contractors, subcontractors and primary suppliers also undertake remediation within a reasonable time period agreeable to the World Bank. The remediation activities could include, among other options:
- i. enrolling the child in a vocational training/apprenticeship program, but which does not interfere with the child's completion of compulsory school attendance under national law; or
 - ii. employment of a member of the child's family, who is at least 18 years of age, by the primary supplier, contractor, or subcontractor for project-related or other work.

76. GRIEVANCE MECHANISM

77. **General principles:** Typical work-place grievances revolve around fair and equal opportunity for employment; labor wage rates and delays of payment; disagreement over working conditions; and health and safety concerns in the work environment. Therefore, a grievance mechanism (GM) will be provided for all **direct workers, contracted workers, and community workers** to raise workplace concerns. Community workers will also be provided with information on workers' GM when engaged in project activities. Such workers will be informed of the GM at the time of recruitment and the measures put in place to protect them against any reprisal for its use. Handling of grievances should be objective, prompt and responsive to the needs and concerns of the aggrieved workers, enabling them to prevent, mitigate, or resolve tensions and problems before they escalate into more serious issues that will require extra resources to address.
78. The mechanism will also allow for anonymous complaints to be raised and addressed. Individuals who submit their comments or grievances may request that their name be kept confidential. Confidentiality should be safeguarded if requested to ensure safety and freedom of workers that lodged complaints and whistle blower protection is provided for. The PCU will investigate any suspected breach of confidentiality. This GM is not same as the grievance mechanism to be established for project affected stakeholders. The specific GM for the workers will be **at three levels - at Implementing institutions level, PCU level and at the Village Committee level**. It should be emphasized that this GM is not an alternative/substitution to legal/judicial system for receiving and handling grievances. However, this is formed to mediate and seek appropriate solutions to labor related grievances, without escalating to higher stages.
79. Direct workers: The project will have a simple but effective grievance system for direct workers to address workplace complaints and other concerns, including matters relating to workplace GBV/SEAH. Each unit engaging direct workers (PCU, specialists at Ministerial level, seceded team at Ministerial level and consultants) will hold periodic team meetings to discuss any workplace concerns. The project's GM will borrow provisions from ESS2 and any internal policies within the PCU.
80. The workers at both the PCU and seceded levels should be encouraged in the first instance to raise their grievances with their immediate supervision/hiring unit, the immediate supervisor shall then carefully consider the case and endeavor to settle it. If an aggrieved worker is dissatisfied with the proposed settlement, he/she shall submit a complaint, in writing to his/her Head of Department. The worker may in addition to this, request for personal hearing and may be accompanied by a colleague at such hearing. The Head of Department will then communicate his/her decision to the complainant. If the matter is still not settled to the satisfaction of the employee concerned, he/she shall appeal to the head of Human Resources Department who will then take up the matter with the management. If the matter remains outstanding (after having been attempted to address), the aggrieved worker shall refer it to the Director General (DG) who will then take up the matter with the management.

81. If the workers are not comfortable raising grievances with their supervisors/seniors, they can raise issues anonymously via the project complaints system and if they are not happy with the channel, they can raise with the World Bank Somalia office, which will forward it to the Task Team Leader. If no satisfactory response has been received from the CMU, complaints can be lodged with the World Bank GRS or Inspection panel. The worker GM will not impede access to other judicial or administrative remedies that might be available under the law or through arbitration procedures or mechanisms provided through collective agreements.
82. Alternatively, contractors’ workers, and or any other stakeholder may seek alternative resolution mechanism if it will yield peace, satisfaction, and confidence in the project implementation. Therefore, Alternative Dispute Resolution (ADR) is a procedure for settling disputes by means other than litigation. Often times, a third-party neutral assist in reaching an amicable resolution through the use of various techniques. ADR contributes to effective management by controlling the costs of conflict, producing quicker and more durable results, and preserving resources for the mission of the agency. This is suggested for FSRP because traditional avenues on dispute resolution already exist, hence the project may hybridize to come out with a workable grievance redress mechanism. This hybridized method may apply traditional, or formal dispute resolution process that may include mediation, fact-finding, using an ombudsman, interest-based negotiation, arbitration, and alternative discipline.
83. **Project GM:** Channels for complaints and grievances put in place should be convenient for workers. To enable this, the project will have several channels for complaints and grievances including email, phone calls, texts, blogs, hotline and letter writing that will also be accessible to all workers. Information on the project GM will be made available to workers at all facilities, PCU and community level (VDCs, for instance) to ensure that all workers, including indirect workers such as community volunteers have adequate information on how to lodge a complaint and who to direct it to. Anonymity will be assured when handling workers’ grievances. Although ‘suggestion boxes’ exist in many worksites and appear to be a preferred form of reporting complaints, the experience has been that these boxes are hardly opened and the issues resolved. If these have to be used as part of the GM, a structure needs to be put in place for opening, reviewing, responding and providing feedback on the issues raised. Table 7 illustrates the process/timeline for addressing general complaints for this project through the GM system.
84. In addition, to the project GM, a litigation process may be allowed if only the complainant is dissatisfied after exploring the project process up to the WB GRS level.

Table 6: Timelines for managing complaints.

No:	Steps to address the grievance	Indicative timeline*	Responsibility
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1	Receive, register and acknowledge complaint in writing.	Within two working days	SS specialist at PCU team
2	Screen and establish the basis of the grievance; where the complaint cannot be accepted (for example, complaints that are not related to the project), the reason for the rejection should be clearly explained to the complainant and, where possible, referred to the relevant authorities/stakeholders.	Within one week	SS specialist supported by PCU
3	Program manager and social safeguards officer to consider ways to address the complaint.	Within one week	Program manager supported by PCU
4	Implement the case resolution and feedback to the complainant.	Within 21 days	Program manager with support from GRC.
5	Document the grievance and actions taken and submit the report to PCU.	Within 21 days	SS specialist and GMC supported by PCU.
6	At any given level, if a resolution is arrived at and it is not satisfying according to the complainant, the complainant may appeal to the next level of the GRM process.	Anytime	Complainant
7	Elevation of the case to a national judiciary system, if complainant so wishes.	Anytime	The complainant
* If this timeline cannot be met, the complainant will be informed in writing that the GMC requires additional time.			SS specialist, GMC supported by PCU

85. Grievances related to GBV/SEAH: To avoid the risk of stigmatization, exacerbation of the mental/psychological harm and potential reprisal, the GM shall have a different and sensitive approach to GBV/SEAH cases and should be dealt with according to the complainant's informed consent. Where such a case is reported, the complainant should be provided with information about and assistance to access if requested: confidential appropriate medical, psychological and legal support; emergency accommodation; and any other necessary services as appropriate including legal assistance. All staff and GM focal points should be informed that if a case of GBV/SEAH is reported to them, the only information they should establish is if the incident involves a worker on the project, the nature of the incident, the age and sex of the complainant and if the survivor/complainant was referred to service provision. If a worker on the project is involved, the incident should be immediately reported to the PCU team who will provide further guidance after consulting with the World Bank

86. CONTRACTOR MANAGEMENT

a. Selection of Contractors

87. The **FSRP project** will use the World Bank Standard Procurement Documents for Works for solicitations and contracts. These include labor and OHS requirements. The PCU shall make reasonable efforts to ascertain that the contractor who will engage contracted workers is legitimate and runs a reliable entity that is able to comply with the relevant requirements under the LMP and established in the World Bank procurement documents. Such requirements shall be included in the bidding documents. As part of the process to select the contractors who will engage contracted workers, the PCU may review the following information:

- i. Business licenses, registrations, permits and approvals;
- ii. Public records, e.g., corporate registers and public documents relating to violations of applicable labor law; accident and fatality records and notifications to authorities; labor-related litigations;
- iii. Documents relating to the contractor's labor management system and OHS system (e.g., HR manuals, safety program, specific personal with OHS designated responsibilities and capacity, information on their actual past performance related to OHS (accidents, violations, OHS statistics, etc.); and
- iv. Previous contracts with contractors and suppliers (showing inclusion of provisions and terms reflecting requirements on labor and working conditions).

a. Contractual Provisions and Non-Compliance Remedies

88. The PCU shall incorporate the agreed labor management requirements as specified in the bidding documents into contractual agreements with the contractor, together with appropriate non-compliance remedies (such as the provision on withholding 10% of payment to the contractor in case of non-compliance with relevant environmental, social, health and safety requirements; removal of personnel from the works). In the case of subcontracting, the PCU will require the contractor to include equivalent requirements and non-compliance remedies in their contractual agreements with subcontractors.

a. Contractor management procedures

89. Each contractor engaged by the project to provide services will be expected to adopt the measures outlined in this LMP. The contracts drawn by the Government will include provisions, measures and procedures to be put in place by the contractors to abide by the relevant labour and OHS requirement and remedy any defective concerns. Measures required of contractors as part of the bidding/tendering process, specific requirements for certain types of contractors, and specific selection criteria. The objective of this procedure is to ensure that the PCU has contractual power to administer oversight and take action against contractor noncompliance with the LMP.

Procedure

- i. The PCU shall avail all related documentation to inform the contractors about their requirements for effective implementation of the LMP.

- ii. The PCU including environmental and social specialist to ensure all relevant OHS requirements (clauses) are included in bid package.
- iii. Before submitting a bid for any contract, the contractor shall incorporate the requirements as provided for in the ESMF and this LMP.
- iv. Contractors to formulate and implement contractor specific Management Plans (C-ESMPs) as required by the ESMF and specifically the LMP.
- v. Contractor to submit compliance status reports on the implementation of the LMP.
- vi. The social specialist to periodically review, monitor and prepare progress reports on the soundness of the implementation steps put in place by the contractor. The PCU will have unfettered access to independently verify the soundness of the contractor's implementation of the requirements of the LMP.
- vii. Where appropriate, the PCU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP.

a. Performance Monitoring

90. The PCU shall establish resources and procedures for managing and monitoring the performance of the contractor in relation to the LMP. The PCU will ensure that the contracts with the consultants (and the TPM, where applicable) explicitly set out the monitoring responsibilities for the contractors' performance on labor and working conditions on a daily basis. The monitoring may include inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by the contractor. Contractors' labor management records and reports that should be reviewed would typically include the following:

- i. Representative samples of employment contracts and signed CoC;
- ii. Grievances received from the community and workers and their resolution;
- iii. Reports relating to fatalities and incidents and implementation of corrective actions;
- iv. Records relating to incidents of non-compliance with national Labor Code and the provisions of the LMP; and
- v. Records of training provided for contracted workers to explain OHS risks and preventive measures.

91. Community workers

92. Some activities will include the use of community workers in a number of circumstances, such as labor provided by the community in construction activities. There will also be established VDC that will perform various roles, identification of land project activities. In these scenarios of community workers, the related OHS risks are perceived as low since they will be using simple tools and performing light work.
93. Given the nature and objectives of such a Project, the application of all requirements under ESS2 may not always be applicable. In all such circumstances, this procedure provides measures to be implemented to ascertain whether such labor is or will be provided on a voluntary basis as an outcome of individual or community agreement and if the employment terms and conditions have been fully discussed and agreed. The objective of this procedure is to ensure the community workers offer their labor voluntarily and are agreeable to the terms and conditions of employment.

Procedure

- i. The PCU and all contractors/implementers using community workers will apply the following guidelines when dealing with community workers. The PCU will develop standard ToRs, working times, remuneration systems (depending on the type of work), methods of payment, timing of payment, and community workers' CoC, which will apply to all project activities. These will be developed during the Project inception phase.
- ii. Produce a recruitment plan and have it reviewed and approved by the PCU.
- iii. Meet and document resolution of meetings with communities on the intended community workers' recruitment. The resolution shall include details on:
 - Nature of work;
 - Working times;
 - Age restrictions (18 and above);
 - Diversity of the workers
 - Remuneration amount;
 - Method of payment;
 - Timing of payment;
 - Individual signatory or representative signatory of meeting resolution; and
 - Community general undertaking and acknowledgment.
 - Induct community workers on key LMP issues, including:
 - GBV and SEA;
 - Workers' and Project GM;
 - OHS;

- HIV/AIDS and COVID-19 awareness;
- Safe use of equipment and lifting techniques; and
- Applicable PPE

94. Primary Supply Workers

a. Selection of primary suppliers

95. When sourcing primary suppliers, the project will require identification of child labor/forced labor and OHS risks and mitigation measures. Due diligence will be carried out and explicit provisions will be given in the contracts including reporting of serious incidents, which will be grounds for contract termination if not complied with. Where appropriate, the project will be required to include specific requirements on child labor/forced labor and OHS issues in all purchase orders and contracts with primary suppliers. Safety of workers alongside other labor management procedures will be explicit in all contracts and bidding documents and due diligence of the independent verification agent. Grounds for suspension of contractors will include serious incidents not reported to the PCU within 48 hours.

a. Management of primary supply workers

96. Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the project. Although suppliers may be sub-contracted by other implementers, the PCU has oversight on the implementation of the LMP requirements for this category. The objective of the procedure is to ensure that labor related risks to the project from primary supply workers are managed in line with the requirements of ESS2.

Procedure:

The PMU and all contractors/implementers will undertake the following measures:

- i. Procure supplies from legally and local constituted suppliers. A legal registration ensures that the company is legally obligated to comply with all applicable labor laws, which makes it possible to assume mainstreaming of the labor laws within the supplier's firm;
- ii. Identify potential risks of serious safety issues which may arise in relation to primary suppliers.
- iii. If there is a significant risk of serious safety issues related to primary supply workers, the PCU and all contractors/implementers will require the relevant primary supplier to introduce procedures and mitigation measures to address such safety issues. Such procedures and mitigation measures will be reviewed periodically to ascertain their effectiveness.
- iv. Check products quality certification and environmental rating of the materials used where required. This will be done when necessary by conforming the quality approval form the relevant authority.

- v. Undertaking to take back waste for reuse, for example containers and packaging, where applicable.
- vi. Possibility for training in safe use of product by community users where applicable.

Remedial process

97. If child labor/forced labor and/or OHS including safety risks are identified, the PCU and/or the respective consultants will require the primary supplier to take appropriate remedial steps. Such mitigation measures will be monitored periodically to ascertain their effectiveness. Where the mitigation measures are found to be ineffective, the PCU and the consultants will, within reasonable period, shift the project's primary suppliers to suppliers that can demonstrate that they are meeting the relevant requirements.

ANNEXES

ANNEX 1: STAKEHOLDER CONSULTATION

1. The FSRP leading institutions hold stakeholder consultation meeting on 10 Aug, 2023 in Hargeisa, Maansoor Hotel. The ESF team prepare a presentation powerpoint and explain the participants for ESF instrument including LMP and RMP. The meeting purpose was to conduct community stakeholder consultation to finalize the ESF instruments.
2. The ESF Draft instruments (incl. LMP) were presented in stakeholder workshops held Aug 10, 2023. the stakeholders comprised a wide range of participants including stakeholder institutions like : MoAD; MOECC and MoLaFD (as host ministries); Ministry of Planning, Ministry of water, Ministry of employment and social affairs and both international and national NGOs. In total, 32 participants attended.
3. Some of the issues observed included: that everyone stressed the importance of being more transparent in all of the procedures; that more attention should be given in identifying priority needs with engaging the community with involving the beneficiary committee and local councils through environmental and social studies to insure the project selection and implementation is applied from down to top; that the project should provide the required health and safety equipment in terms of quantity and quality based on the project activities; and that the project should make sure that the mitigation measures to environmental and social impact are part of the project cost and included in the design.
4. ESF team together with MOAD underlined the importance they attached to safeguards and emphasized that FSRP envisages no physical relocation of project affected persons in its implementation across the receiving parts of the country. The FSRP PDO is ‘to increase preparedness against food insecurity and improve the resilience of food systems in targeted project areas of Somaliland’.
5. A summary of key issues highlighted in the stakeholder consultation meetings include:
 - There is agreement that the implementation of the Environmental and Social Safeguards is a roadmap for good implementation of the Somali Food System Resilience Project (S-FSRP), and it is transparent and fair, but needs to be enriched and reviewed. They also said that it needs training, regular training, for all of the stakeholders, implementers, contractors, and the targeted community. They added that it needs to benefit from past experiences in order to achieve better practical implementation of the project.
 - All the attendees call for the adoption of true partnership with all of the beneficiaries of the project, and for there to be regular courses and meetings like this one so that all of the different groups can sit down together and discuss the issues and developments that they are facing in a transparent manner. This will help them solve many of the problems that they face. They also recommended that meetings not only be held for the higher levels, but they should include meetings at the village level.

- All of the attendees confirmed that it is important to increase community awareness, which will make it easier to implement the projects.
- Women in rural areas should participate in the project work at a rate of more than 30%.
- In order to deal with violations of the laborers not wearing professional safety gear, there needs to be an administrative process to catch violators and set punishments.
- All of the attendees stressed the importance of there being a clear and easy-to-use mechanism to get information and facilitate getting this information on the projects and their possible social and environmental effects on stakeholders. This will make it easier for them to effectively participate in designing and implementing projects. The stakeholders also demanded access to information relating to the branch projects in order to understand the possible opportunities and risks relating to the projects and to also participate in designing and implementing them.
- The final stages should be linked to getting rid of the waste to ensure that the waste is removed. The assessments and plans of the management for the site should be followed, and this should all be recorded in an administrative information system.
- Everyone stressed the importance of being more transparent in all of the procedures,
- More attention should be given in identifying priority needs with engaging the community by involving the beneficiary committee and local councils through environmental and social studies to insure the project selection and implementation is applied from down to top.
- Provide the required health and safety equipment in terms of quantity and quality based on the project activities.
- Make sure that the mitigation measures to environmental and social impact are part of the project cost and included in the design.

ANNEX 2: DRAFT CODE OF CONDUCT FOR ALL PROJECT AND CONTRACTED WORKERS

I, _____ acknowledge that adhering to environmental, social, health and safety (ESHS) standards, following the project's occupational health and safety (OHS) requirements, and preventing gender-based violence (GBV) and Violence Against Children (VAC) is important. All forms of GBV or VAC are unacceptable in the workplace or when interacting with communities.

The organization considers that failure to follow ESHS and OHS standards or to partake in GBV or VAC activities, constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution of those who commit GBV or VAC may be pursued if appropriate.

I agree that while working on the project I will:

- a. Attend and actively partake in training courses related to ESHS, OHS, HIV/AIDS, GBV and VAC as requested by my employer.
- b. Follow my employers' guidance on prevention of the spread of infectious diseases, including Covid-19;
- c. Follow my employers' guidance on security and safety, including not causing conflict or exposing myself, other colleagues, stakeholders including community members, project facilities or assets to risks;
- d. Treat women, children (persons under the age of 18), and men with respect regardless of race, color, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- e. Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- f. Not participate in sexual contact or activity with children (anyone age 18 or under) – 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.
- g. Not engage in any form of sexual harassment of a co-worker - for instance, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, of a sexual nature, including subtle acts of such behavior. E.g., looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; giving personal gifts; making comments about somebody's sex life etc. Sexual harassment constitutes acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal
- h. Not engage in any form of sexual exploitation or abuse – for instance, exchanging money, employment, goods or services for sex or sexual favors, or making promises or favorable treatment dependent on sexual acts – or other forms of humiliating, degrading or exploitative behavior. This includes any project-related assistance due to community members. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- i. I will not engage in sexual misconduct, use the project resources or funds to exploit community members.

- j. Report any suspected or actual GBV or VAC by a fellow worker, whether employed by my organization or not or any breaches of this Code of Conduct through the reporting mechanism.

The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behavior may be grounds for administrative action.

With regard to children under the age of 18:

- i. Wherever possible, ensure that another adult is present when working in the proximity of children;
- ii. Not invite unaccompanied children unrelated to my family into my home unless they are at immediate risk of injury or in physical danger;
- iii. Use any computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornographic material through any medium (see also "Use of children's images for work-related purposes" below);
- iv. Refrain from physical punishment or discipline of children;
- v. Refrain from hiring children for domestic or other labor, which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities or places them at significant risk of injury;
- vi. Comply with all relevant local legislation, including labor laws in relation to child labor;
- vii. Use of children's images for work-related purposes;
- viii. When photographing or filming a child for work-related purposes, I must:
 - i. Before photographing or filming a child, assess and endeavor to comply with local traditions or restrictions for reproducing personal images;
 - ii. Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used;
 - iii. Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
 - iv. Ensure images are honest representations of the context and the facts; and
 - v. Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action, which could 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; and
- vii. Report to the police if warranted.

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

Signature: _____ Name _____

Title: _____ Date: _____

ANNEX 3: OHS Plan Template

I. Introduction

This section should present background information on OHS management status at the local level (where the project/ sub-project/ activities are taking place, the governing legislation, and status of enforcement on the ground). The section should also state the OHS Plan's purpose and objectives, content, timeframe, and references.

Primary reference to this OHS plan is the World Bank Group's Environmental, Health and Safety Guidelines (WBG EHSGs) – General, which can be downloaded via:

<https://www.ifc.org/wps/wcm/connect/29f5137d-6e17-4660-b1f9-02bf561935e5/Final%2B-%2BGeneral%2BEHS%2BGuidelines.pdf?MOD=AJPERES&CVID=nPtguVM>

II. Roles and Responsibilities

This section should show how OHS responsibilities are attached to key project workers, throughout the life cycle of the project/ sub-project/ activity. Responsible workers may include, but not limited to project management staff, E&S, procurement, M&E specialists at PCU, site supervisor/ engineer, contractors and their engaged staff, as well as external/ third parties who may provide advice/ help on the spot. A matrix should be provided, showing as a minimum: names, contacts, responsibilities, timeline, reporting cascade, among others.

A Direct OHS contact person (OHS specialist) of the specific project/ sub-project/ activity should be assigned and clearly introduced in this Plan. The assigned OHS person should be proven competent/ knowledgeable in all areas of OHS management. Required qualifications should also be presented in this OHS Plan.

III. Project Components and Activities

This section should describe components/ activities in detail, particularly those connected to project labor (direct, seconded, contracted, primary supplier staff, and community workers). More information should be provided on activities that will require physical interaction with and/or direct exposure to project/ sub-project components and activities throughout life cycle, as well as components and activities which would be rated high-to-low risk of having OHS-related impacts. Components is also meant to include Physical, Chemical, Biological, Radiological, and Psychological/ non-materialized hazards. A thorough description of the various elements of workplace should also be presented in this OHS Plan.

IV. Identification and Assessment

This is a comprehensive and cornerstone procedure for identifying hazards and assessing risk of components, activities, as well as workplace environment that would lead to adverse OHS impacts during implementation and operation. This is usually done in the design phase, before commencing work, however, identification of hazards and assessment of OHS risks is an

ongoing process, and should be diligently performed during construction, operation, and decommissioning phases of the project/ sub-project/ activities.

Risk Assessment should take into consideration the following elements and whatever hazards lead to them: Integrity of workplace structures, Sever weather and facility shutdown, Workspace and exit, Fire precautions, Lavatories and showers, Potable water supply, Clean eating area, Lighting, Safe access, First aid, Air supply, and Work environment temperature.

When assessing Risk, the below Qualitative Risk Ranking Matrix should be adopted. Risks identified and assessed should be expressed as being: Extreme (E), High (H), Moderate (M), or Low (L).

Table 2.1.1. Risk Ranking Table to Classify Worker Scenarios Based on Likelihood and Consequence					
Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catas- trophic 5
A. Almost certain	L	M	E	E	E
B. Likely	L	M	H	E	E
C. Moderate	L	M	H	E	E
D. Unlikely	L	L	M	H	E
E. Rare	L	L	M	H	H

Legend
E: extreme risk; immediate action required
H: high risk; senior management attention needed
M: moderate risk; management responsibility should be specified
L: low risk; manage by routine procedures

Source: WBG EHSGs – General – 2.0 Occupational Health and Safety

V. Proposed Management

After OHS- related hazards have been identified, risks assessed, and appropriately rated, the responsible staff should embark on proposing specific measures, to help manage adverse risks and impacts pertinent to the particular activity/ component/ workplace under management. These measures should include both preventive and protective ones. Preventive measures should be put in place to address risks, while corrective measures put in place to address adverse impacts. Preventive and corrective measures should be introduced according to the following order of priority:

1. Eliminating the hazard by removing the activity from the work process. Examples include substitution with less hazardous chemicals, using different manufacturing processes, etc;
2. Controlling the hazard at its source through use of engineering controls. Examples include local exhaust ventilation, isolation rooms, machine guarding, acoustic insulating, etc;
3. Minimizing the hazard through design of safe work systems and administrative or institutional control measures. Examples include job rotation, training safe work procedures, lock-out and tag-out, workplace monitoring, limiting exposure or work duration, etc.
4. Providing appropriate personal protective equipment (PPE) in conjunction with training, use, and maintenance of the PPE.

The application of prevention and control measures to occupational hazards should be based on comprehensive job safety or job hazard analyses. The results of these analyses should be prioritized as part of an Action Plan based on the likelihood and severity of the consequence of exposure to the identified hazards. The resulted Action Plan should be attached to this OHS Plan and made integral and binding for implementation.

VI. Communication and Training

This section should include enough information about provisions of OHS Training, Visitor Orientation, New Task Employee and Contractor Training, Basic OHS Training, Area Signage, Labeling of Equipment, and Communicating Hazard Codes.

Also, how Trainings on OHS are to be handled.

VII. Monitoring and Monitoring Indicators

This section should aim at verifying effectiveness of preventive and corrective measures, and include enough information on the elements of the monitoring program. At minimum, this should include what OHS areas to be monitored; how (i.e., means, methodologies, tools and/or equipment to be used); who is responsible for monitoring; how frequent, and which indicators to be adopted.

With respect to indicators, these should be SMART: S – Specific, M – Measurable, A – Accurate, R – Realistic, and T – Timely.

At a minimum, the monitoring program should include: Safety inspection, testing and calibration; Surveillance of the working environment; Surveillance of workers health; and Adequacy of training.

Of particular importance, is how Accidents and Diseases should be monitored and reported. This essentially includes occupational accidents and diseases, suspected cases of occupational diseases, and dangerous occurrences, incidents and near misses.

Occupational accidents and diseases should, at a minimum, be classified and timely reported as shown in the Table below. A clear and easy-to-memorize incident reporting procedure should further be introduced, including who is responsible for what, how, and when.

Table 2.9.1. Occupational Accident Reporting		
a. Fatalities (number)	b. Non-fatal injuries (number) ⁷⁸	c. Total time lost non-fatal injuries (days)
a.1 Immediate	b.1 Less than one day	
a.2 Within a month	b.2 Up to 3 days	c.1 Category b.2
a.3 Within a year	b.3 More than 3 days	c.2 Category b.3

Source: WBG EHSGs – General – 2.0 Occupational Health and Safety

VIII. Budget

This section should estimate needed budget for implementing the OHS Plan, including cost of HR, Training, communication, PPE, logistics, and other resources.

IX. Document Control and Review

This section should highlight how this document is to be Quality Controlled (QC)/ Quality Assured (QA) and when to be periodically reviewed. In addition to QA responsibilities, information on placement and accessibility by relevant Project workers should be provided.

X. References

While WBG’s EHSGs constitutes primary reference to this OHS Plan, the responsible staff may wish to include other internationally-recognized references. However, references should always be cross-checked, and aligned with available local legislations, protocols, and references, if applicable.

XI. Annexes

Should be included, where used.

ANNEX 4: COMPLAINTS FORM (To be translated into Somali)

1. Complainant's Details

Name (Dr / Mr / Mrs / Ms)

ID Number _____

Postal address _____

Mobile _____

Email _____

County _____

Age (in years): _____

1. Which institution or officer/person are you complaining about?
Ministry/department/agency/company/group/person

2. Have you reported this matter to any other public institution/ public official?

Yes No

If yes, which one?

4. Has this matter been the subject of court proceedings?

YES NO

Please give a brief summary of your complaint and attach all supporting documents [Note to indicate all the particulars of *what* happened, *where* it happened, *when* it happened and by *whom*]

7. What action would you want to be taken?

Signature _____

Date _____

ANNEX 5: COMPLAINTS LOG

Date and complaint from	Complaint e.g. non-issuance of Payment for work done	Staff/ institution complained against	Nature of complaint/ service issue, e.g. delay	Type of cause – physical human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)	Remedy granted	Corrective/ preventive action to be taken	Feedback given to complainant

ANNEX 6: COMPLAINTS REPORTING TEMPLATE

Reporting period:.....

No. of complaints received	Main mode complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g. spot resolution, 1 day, 7 days, 14 days, 1 month, quarterly, annual	Recommendations for system improvement