

**CONNECTIVITY AND TRANSPORT SECTOR IMPROVEMENT PROJECT
REHABILITATION OF THE M-41 ROAD IN THE SURKHANDARYA
REGION (SECTION 1525-1622 KM)**

LABOR MANAGEMENT PROCEDURES

CLIENT: THE COMMITTEE FOR ROADS OF THE REPUBLIC OF UZBEKISTAN

LIST OF ABBREVIATIONS

AOI	Area of Influence
CAR	Committee for Roads under the Ministry of Transport
CFL	Child and forced labor
HIV	Human Immuno-deficiency Virus
HR	Human Resources
ESF	Environment and Social Framework
ESMP	Environmental and Social Management Plan
ESMS	Environmental and Social Management System
ESS	Environmental & Social Standards
GBV	Gender Based Violence
GFP	Grievance Focal Point
GM	Grievance Mechanisms
GoU	Government of Uzbekistan
IA	Implementing Agency
ILO	International Labour Organization
LMP	Labor Management Procedures
LOSH	Law on Occupational Safety and Health
M&E	Monitoring and Evaluation
OHS	Occupational Health and Safety
POM	Project Operations Manual
PPE	Personal Protective Equipment
PIU	Project Implementation Unit
SanPiN	Sanitary Rules and Norms
SEA	Sexual Exploitation and Abuse
SH	Sexual Harassment
SNiPs	Construction Norms and Rules
WB	World Bank

Table of Contents

1. INTRODUCTION	2
1.1. Project Background	2
1.2. Implementing Agency	4
1.3. Purpose and Scope of the Labor Management Procedure	4
1.4. Objective of the LMP	5
1.5. Structure of the LMP	5
2. OVERVIEW OF LABOR USE IN THE PROJECT	6
2.1. Type of Workers	6
2.2. Number of Project Workers	7
2.3. Timing of Labor Requirements	8
3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS	9
3.1. Key Labor Risks	9
4. REGULATORY FRAMEWORK IN UZBEKISTAN	18
4.1. Uzbekistan National Labor Legislation	18
4.2. Uzbekistan legislation requirements on OHS	23
4.3. World Bank Environmental and Social Standards: ESS 2	26
4.4. Key Gaps Between National Legislation and World Bank ESS2	28
5. RESPONSIBLE STAFF	32
6. POLICIES AND PROCEDURES	34
7. AGE OF EMPLOYMENT	37
8. TERMS AND CONDITIONS	38
9. GRIEVANCE MECHANISM	40
9.1. Description of Grievance Mechanism	40
9.2. Direct workers' GM structure	40
9.3. Contracted and primary supply worker's GM structure	41
9.4. GM principles	42
9.5. Handling sensitive grievances	42
9.6. Monitoring and reporting on grievances	43
9.7. GRM Levels	44
9.8. GRM Responsibilities	45
9.9. Grievance Mechanism Contact Details	46
9.10. World Bank Grievance Redress System	47
10. CONTRACTOR MANAGEMENT	49
11. PRIMARY SUPPLIERS	51
ANNEX 1. THE CONTENT AND TEMPLATE OF CODE OF CONDUCTS	52

1. INTRODUCTION

The Project is being prepared under the World Bank's new Environment and Social Framework (ESF), which came into effect on October 1, 2018, replacing the Bank's Environmental and Social Safeguard Policies. Under the ESF, all World Bank Borrowers have agreed to comply with ten Environmental and Social Standards (ESSs) applied to investment project lending financed by the Bank. The project recognizes the significance of, and adopts the ESSs, for identifying and assessing as well as managing the environmental and social risks and impacts associated with this investment project. The Committee for Roads under the Ministry of Transport (CAR) as an implementing agency, has developed several key instruments to address such risks. One of the Standards – ESS2 relates to Labor and Working Conditions and expects the Borrowers to develop Labor-Management Procedures (LMP). The LMP identifies the main labor requirements and risks associated with the project and helps the Borrower to determine the resources necessary to address labor issues.

The primary objective of ESS2 on 'Labor and Working Conditions' is to promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly while also providing them with safe and healthy working conditions. Accordingly, the purpose of this Labor Management Procedure (LMP) is to facilitate the planning and implementation of the project by identifying the main labor requirements and the associated risks and determining the resources necessary to address the project-related labor issues.

1.1. PROJECT BACKGROUND

M-41 - the main highway Bishkek-Dushanbe-Termez, passing in Central Asia in mountainous terrain through the territory of Uzbekistan, Tajikistan and Kyrgyzstan. The road connects the cities of Termez, Dushanbe, Khorog, Osh, and passes through the Pamirs and includes the Pamir Highway.

The existing road was built according to the standards corresponding to motorways of categories I–III with a roadbed width from 12.0 to 25.1 m, carriageway widths of 2x3.50, 2x3.75 and 2x7.5 m. The project section from 1525 to 1622 km is a 2-lane road, widening in 3 sites to a 4-lane road, with a total length of 97 km, of which approximately 91.1 km (~94%) are 2-lane sections and approximately 5.9 km (~6%) are 4-lane sections.

The Government of Uzbekistan (RoU) approached the World Bank (WB or Bank) with the request to provide a sovereign guaranteed loan to the CAR (the Client) for the urgent reconstruction of the 97 km section of M-41 road.

The highway of international importance M-41 road for 97 km crosses the territory of Surkhandarya region from the north-east, from the border with Tajikistan, to the south-west, to the border with Afghanistan. The planned character of the route coincides with the axis of the Surkhandarya river valley, including, in the north from the beginning of the road and up to 25 km - the road is laid through the valleys of the right-bank tributaries of the Surkhandarya, the central part of the route from 25 to 110 km, runs along the right-bank part of the valley almost parallel to the wide floodplain of the river, and in the south - from 110 km to Termez the road crosses the floodplain and terraces of the river twice.

The roadbed of the highway is laid through irrigated lands and settlements, including passing both along the outskirts and through the development of district centers of Kumkurgan, Dzarkurgan and Termez districts.

Table 1: Road sections within district boundaries

District	KM	Distance (km)	Settlements
Kumkurgan district	23 km	1525 -1548 km	10 mahallas – Hurriyat, Munchoktepa, Elabad, Jiydali, Besh Kahraman, Jarkishlak, Gultepa, Navbakhor, Mehrobad, Surkhan-sakhili.
Dzarkurgan district	58 km	1548 -1606 km	9 mahalla – Oltintepa, Surkhon sohili, Obi hayot, Ismoil tepa, Dostlik, Istiklol, Nurli diyor, Oktepa, Gur gur.
Termez district	16 km	1606-1622 km	5 mahallas - Korahon, Amir Temur, Sharof Rashidov, Kuyoshli yurt, Termiz

Between towns the road passes along the suburbs or through the development of 24 settlements, but the bulk of the length of the highway crosses agricultural land.

Figure 1: The map of designed road alignment

It is envisaged to reconstruct the road at the section 1525-1622 km for 4-lane traffic with cement concrete pavement. Implementation of the project will contribute to ensuring efficient and safe internal and regional connectivity, sustainable economic growth of domestic and foreign trade, allow to ensure the passage of ever-increasing volumes of road transportation, reduce the time of cargo and passenger delivery, as well as improve road safety and environmental situation in the region.

Road construction work will include:

- ❖ Construction and reconstruction of 90.218 km long Category 1-6 road with a cement concrete pavement (reduction of the length of the section from 97 km (design section according to the FS) to 90.218 km is explained by the fact that the road is reduced by about 3 km as a result of the arrangement of the road bypassing Djharkurgan city, as well as the fact that about 4 km of the road have already been reconstructed as part of another project);
- ❖ Construction of 4 bridges and reconstruction of 12 bridges;
- ❖ Construction of 6 overpasses;
- ❖ Construction of 14 elevated pedestrian crossings;
- ❖ Construction of 163 culverts;
- ❖ Construction of 6 interchanges;
- ❖ Construction of 236 ramps (junctions);
- ❖ Construction of 2 railway crossings;
- ❖ Installation of 106 bus stops;
- ❖ Installation of 60 traffic lights;
- ❖ Installation of 2,981 road signs, road markings, etc.

1.2. IMPLEMENTING AGENCY

The project initiator is the Committee for Roads (CAR) under the Ministry of Transport of the Republic of Uzbekistan. The sources of financing for the project include funds from the World Bank (WB) and funds from the state budget of the Republic of Uzbekistan.

The M-41 road reconstruction will be coordinated by the Committee for Roads. CAR will act as the Project Implementation Union (PIU) in charge of the day-to-day project implementation. The current PIU has experience managing a World Bank financed project and is staffed by a director, component coordinators, and procurement and financial management specialists among others.

1.3. PURPOSE AND SCOPE OF THE LABOR MANAGEMENT PROCEDURE

This project has applied the World Bank's Environmental and Social Framework (ESF) to identify and address environmental and social risks and impacts. The World Bank's ESS2 (Labour and Working Conditions) and ESS4 (Community Safety and Health) were identified as applicable for the project.

One of the ten Environmental and Social Standards (ESSs) – relates to Labor and Working Conditions (ESS2) requires the Borrowers to develop Labor Management Procedures (LMP). The LMP has been developed with the purpose of protecting the health, safety, rights and wellbeing of project workers who will be engaged during the implementation of the Project. It is also intended to promote equal opportunity and nondiscrimination in the management of the workforce taking into consideration both national and international labor requirements including the World Bank's ESS2. The purpose of the LMP is to facilitate planning for the project and help identify the resources necessary to address the labor issues associated with the project. The LMP help to (a) identify the different types of project workers that are likely to be involved

in the project, and (b) set out the ways of meeting the requirements of ESS2 that apply to the different types of workers.

The scope of this LMP will cover all aspects of the project that will require the hiring of a workforce to execute the project activities. It is applicable to all types of project workers, skilled and unskilled, and deals with all aspects relating to recruitment, labor and working conditions, remuneration, management of worker relationships, and Occupational Health and Safety (OHS) as well as work-based grievance redress mechanisms. The LMP also includes measures related to the management of workers engaged by third parties or contractors and sub-contractors.

1.4. OBJECTIVE OF THE LMP

The overall objective of this LMP is to establish clear labor procedures for all project workers, namely direct project workers, contracted workers in line with the requirements of the local legislation and the World Bank's ESS 2 provisions and requirement.

The LMP presents the activities that lead to labor and working conditions related risks and impacts, the main labor and working conditions requirements, and the identified risks and impacts and gaps in requirements. It captures the procedures to be implemented to address the gaps and manage the risks and impacts including the resources necessary to address these. The LMP is a living document, which is initiated early in project preparation and is reviewed and updated throughout the development and implementation of the project.

This LMP applies to all Project workers whether full-time, part-time, temporary, seasonal or migrant workers. The LMP is applicable, as per ESS2, to the Project in the following manner:

- ❖ People employed or engaged directly by the Project Management Unit (PIU) to work specifically in relation to the Project;
- ❖ People employed or engaged by contractors to perform work related to the core function of the project, regardless of location; and
- ❖ People employed or engaged by the primary suppliers under this project.

1.5. STRUCTURE OF THE LMP

The engagement will be planned as an integral part of the project's environmental and social impact assessment and project design and implementation.

This LMP is organized around 11 Chapters. Chapter 1 serves as an introduction and provides background on the origin of the procedures. An overview of labor used in the project is presented in Chapter 2. Key potential labor risks are listed in Chapter 3. The national labor regulatory framework governing employment relationships in Uzbekistan is discussed in Chapter 4. Responsible staff, working conditions, management of employee relationships, and protection of the workforce are addressed in Chapters 5, 6, and 7, the grievance mechanism in Chapter 9, and third parties' management and primary supply workers in the last two chapters.

2. OVERVIEW OF LABOR USE IN THE PROJECT

ESS2 on Labor and Working Conditions recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. In addition to the national labor legislation, ESS2 guides and enable implementing agency to ensure 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.

2.1. TYPE OF WORKERS

ESS2 categorizes the workers into direct workers, and contracted workers. This LMP applies to project workers as defined by ESS2. The focus of this LMP is on directly employed in the PIU to perform project related tasks (direct workers) and staff, and community workers, and contracted workers.

Thus, only three categories of workers are expected:

Direct workers. The project will be implemented by the Project Implementation Unit (PIU) under the CAR which were established for the management of the project on a daily basis and play a linkage role between the CAR and WB. Direct workers will comprise „technical consultants“ – full -time by the PIU – under the project. They will be governed by a set of civil services code, the latter by mutually agreed contracts. CAR and PIU staff includes workers based in Tashkent.

Contracted Workers. Contracted workers will be engaged or employed by third parties¹ i.e. contractors, sub-contractors² and service providers/consultants needed for project implementation and these imply professionals and support staff provided by the Contractor or Consultants or by any Sub-Contractor or Sub-Consultants assigned to perform the Services or any part thereof. It is expected that the project will require a combination of local workers from nearby villages, workers from other parts of Uzbekistan, and workers from other countries. Foreign workers will only be allowed where there is a skills deficiency on the national market. The number of foreign workers would depend on decisions made by contractors.

The contractual and legal relationship between the third parties and the CAR will be established through contracts awarded in line with the standard procurement procedures and bidding documents of the World Bank for specific project activities which have a standard wording for labor and working conditions requirements. Each Sub-Project will be subject to a competitive open tendering procedure both for works and supervision services. Due to the size of the contract, their scattered locations, relatively low value of the construction/rehabilitation works (relative to mobilization, operation and overhead costs) and required qualification to carry out design and construction activities, it is expected that contracts will be awarded to well-known reputable predominantly national companies or international companies who have already established their operation in Uzbekistan and obey by and operate under the Uzbek regulatory framework including Labor and Occupational Health and Safety (OHS) laws. Should Contracts be awarded to multiple entities forming a Joint Venture or association alike each company shall be bound by these LMP.

¹ Third parties in the project implementation can be CSCs, Contractors, Sub-contractors

² Sub-Consultant/Contractor means any person or entity to whom/which the Contractor or Consultant subcontracts any part of the Works or Services.

Primary supply workers might be engaged on the project as certain supply of materials (i.e. aggregate and crushed stone, geotextile, gravel, sand etc.) will be required within the project. Primary supply workers are employees of suppliers who, on an ongoing basis, provide goods and services to the project. PIU has oversight of the implementation of the LMP requirements in this category. The objective of the procedure is to ensure that labour-related risks to the project from primary supply workers are managed in line with the requirements of ESS2.

Community workers will not be engaged on the project.

2.2. NUMBER OF PROJECT WORKERS

Direct workers. The Project PIU has core personnel such as PIU director, procurement specialist, and financial management specialist. The PIU will be supported by additional specialists and staff, including project coordinators for each project component with relevant technical skills; procurement assistant, M&E specialist, accountant, office manager/translator and support staff.

Employees and short-term consultants will be hired by competition. The recruitment will be carried out in accordance with WB standards and procedures for hiring of local consultants. The Project will finance the activities of PIU staff and short-term consultants, including the operational costs of the Project. With the no objection of the World Bank, and in order to ensure the successful implementation of the Project, CAR may hire a consulting company to carry out some of the functions of the PIU or technical consultants on components (if necessary). All employees and consultants of the PIU will report to the PIU Director. The structure of PIU reporting will be developed by PIU director within an agreement with the CAR and the WB. The reporting requirements for each PIU staff and consultant will be defined in their individual terms of reference. All decisions on the operational management of PIU, including reporting, procurement of operating expenses, organizational and personnel issues will be formalized by internal orders of PIU.

The PIU will interact with structural divisions of the CAR on matters related to the implementation of the Project. The structural units of the CAR will assist the PIU in provision of information necessary for the implementation of the Project. The head of the CAR will be responsible for the implementation of the Project. Table 2 below gives an overview of the direct workers.

Table 2: Number of Direct Workers and characteristics

Staff position	Total number of staff	Characteristics of workers
PIU Director	1	National
Chief Accountant	1	National
Highway construction engineer	1	National
Financial Management Specialist	1	National
Monitoring and Evaluation Specialist	1	National
Environmental specialist	1	National
Social/gender specialist	1	National
OHS specialist	1	National
Procurement Specialist	1	National
Office Manager/Translator	1	National
Support Staff	1	National
Lawyer	1	National

2.3. TIMING OF LABOR REQUIREMENTS

It is expected that the first Contract for Construction works will be awarded by June 2026. Each Sub-Section will be subject to separate tendering procedures and separate Contracts. Each Contract will be managed separately in term of labor and working condition. About fifty percent of the workers will be unskilled laborers, with semiskilled and skilled positions such as managers, engineers, forepersons, drivers and equipment operators. Majority of skilled and unskilled labor is likely to come from local district communities, while managerial and technical staff from the either the contractor's home country or their representatives in Tashkent.

The direct workers at PIU will generally be required full time which consists of 8 hours day work per national legislation of Uzbekistan, and around the year for the project duration. Other experts/consultants will be hired on demand basis throughout the project period. Timing for involvement of contracted workers will be known at later stages; however, they will be engaged as needed for implementation of various sub-components throughout the country to achieve their tasks, to oversee or to provide guidance for project implementation.

Contracted Workers. Contracted workers (including Design consultants, Construction supervision engineers) would be hired under the Standard form of Contract for Construction. The number of Sub-Project will correspond to the number of Contractors with the possibility of one contractor being awarded multiple Sub-Projects. Each contractor might need engagement of multiple subcontractors. The subcontractors' workforce will be also considered as contracted workers. It is estimated that the Project would engage between 180 and 200 contracted workers overall.

Primary supply workers: The extent in which the Projects procurement will rely on suppliers supplying goods and materials on an ongoing basis is currently only estimated as possible and they might be engaged on the project as certain supply of materials (i.e. aggregate and crushed stone, geotextile, gravel, sand etc.) will be required within the project. The potential number is not possible to be provided as this will depend of the sourcing strategy and management by the Contractors. However, in case third parties qualifying as primary supply workers are to be engaged risks of potential child labor, forced labor ad serious safety issues which may arise in relation to primary suppliers shall be assessed. The PIU will be responsible to make sure that these standards are followed strictly. If any deviation is identified the PIU will take action as prescribed in the contract/ agreement following the LMP.

Taking into account the nature of the project workforce (mostly unskilled and semiskilled construction labor) and characteristics of labor force market in Uzbekistan, it is not expected that the number of female workers will be high. It is estimated that women would represent about 5-10 percent of the workforce, and those would likely be technical (engineering) and/or staff working in the operation offices and camps (maids, cooks, cleaners etc.). Female workers are expected in NGOs, individual consultants, primary suppliers and PIU. The hiring decisions will be based on the principle of nondiscrimination and equal opportunity. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers.

Given the local Context Gender Based Violence is not assessed to have a high risk.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Given the type of project activities, no major labor risks are envisaged. The type of work to be carried out by direct and contracted workers does not entail high vulnerability to abuse of labor rights or Operational Health and Safety (OHS) risks. Persons under the age of 18 will not be allowed by the Project. All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2.

Project activities

The majority of Project activities will be reconstruction of highway road M-41, section 1525-1622 km (97 km) in Surkhandarya region of the Republic of Uzbekistan. Construction of this type of projects typically includes the following activities:

- (1) Clearance of right of way;
- (2) Removal of topsoil.
- (3) Construction of embankments / bridges.
- (4) Construction of subgrade.
- (5) Removal and replacement of unsuitable materials.
- (6) Structural excavation.
- (7) Excavation for the construction of side drainage and cross-drainage works.
- (8) Excavation for the removal and relocation of the existing utilities.
- (9) Cutting trees and high vegetation;
- (10) Resettlement and Demolition of buildings; and
- (11) Reinstatement and revegetation of impacted areas.

3.1. KEY LABOR RISKS

It is assessed that key labor risks would be associated with health and safety risks related to the reconstruction of highway road M-41 such as exposure to physical, chemical and biological hazards during construction activities, use of heavy equipment, trip and fall hazards, exposure to noise and dust, falling objects, exposure to hazardous materials and exposure to electrical hazards from the use of tools and machinery. As the construction activities will involve hazardous work, persons under the age of 18 will not be employed by the Project. Many workers will be exposed to occupational health and safety hazards, including but not limited to:

- ❖ Safety issues while at work like injuries/accidents/ fatalities leading to even death, while at work;
- ❖ Short terms effects due to exposure to dust and noise levels, while at work;
- ❖ Electrical works;
- ❖ Work on height and works in confined spaces;
- ❖ Exposure to chemicals (as solvents, lubricants, and fuels,);
- ❖ Traffic accidents;
- ❖ Excavations hazards;
- ❖ Lifting of heavy structures;
- ❖ Inadequate accommodation facilities at work force camps, including inadequate sanitation and health facilities;
- ❖ Welding hazards (fumes and burns)

Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH) risk is rated moderate due to national legislation exist, gender norms of rural residents, based on respect for local rules and traditions and mainly construction of the road will be implemented in the vicinity of health facilities or fenced territories. Moderate risks related to sexual exploitation and abuse/sexual

harassment (SEA/SH) are expected as most project workers will be recruited locally and the national laws and norms are adequate for addressing the risks

Occupational Health and Safety (OHS) risks are moderate to high and will depend on the type of subproject works to be implemented. Since the majority of contracted workers are unskilled and untrained local population, however, risk remains that some accidents may occur that lead to injuries. All contractors will be required to develop and implement written labor management procedures, including procedures to establish and maintain a safe working environment as per requirements of ESS2. All contractors will be required under the ESMP to ensure workers will use basic safety gears, receive basic safety training and other preventive actions as provided in the Project ESMF. All workers will have access to the project specific Grievance Mechanism (GM) with a dedicated window for workers' complaints.

From the anticipated project activities, potential labor risks have been identified which must be monitored closely by the PIU and project contractors during project implementation to avoid any escalation. These are summarized in Table 3 below.

Table 3: Summary of potential labor risk and proposed project mitigation measures

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
Occupational Health & Safety Risks (including risks associated with extreme weathers)	High	Common activities undertaken during construction such as the movement of heavy machinery, excavation, handling of chemicals, works undertaken at height etc. can all introduce significant risk to the health and safety for the associated work force. In particular, risks are more likely to be apparent for those who are not familiar with the type of works undertaken and/or the associated hazards.	❖ All workers will be trained on HSE before commencement of work and periodically. ❖ Ensure full compliance with the OHS Management plan including Construction Environmental and Social Management Plan (CESMP), Health and Safety Plan (for community health and safety and occupational health and safety), Construction Vibration Management Plan; Waste Management Plan, Emergency Response Plan, Traffic Management Plan, Labour Management Plan. ❖ Provide regular OHS training to staff ❖ A full time HSE officers will be hired in the team to ensure the implementation of the ESMP. The ESIA and ESMPs will form part of bidding documents for contractors and will therefore guide the preparation of C-ESMP that will include Environmental Health and Safety Management plans in accordance with WBG Environmental, health, and safety general guidelines³. ❖ Developing, adopting and sensitizing of standard operation procedures and guiding working at heights, lifting operations excavations, extreme weathers etc ❖ Adequate PPEs will be provided for all their workers. Each worker will wear the PPEs required according to the activity and the hired HSE officer will enforce compliance. ❖ First aid boxes should also be provided at construction site, staging area and mobile (detailed in separate Emergency Response Management Plan of the Project). ❖ Any accident/incidents to the consultant and to the client promptly within 24 hrs. ❖ Contractors should comply with National and international labor legislations. ❖ Maintain a safe working environment including workplaces, machinery, equipment and processes under their control are

³ <https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-occupational-health-and-safety-en.pdf>

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
			safe and without risk to health, including by use of appropriate measures relating to chemical, physical and biological substances and agents. ❖ Management of hazardous waste will be detailed in the waste management plan in accordance with WBG ESHG⁴.
Risk of forced labor	Moderate	Uzbekistan has been working towards abolishing past practices of child and forced labor and has achieved significant progress. Forced labour typically targets marginalized and/or repressed communities and individuals, such as trafficked persons, asylum seekers and prisoners. It is characterized by repressive and exploitative schemes to sustain worker dependency and enable profiteering. Forced labour may potentially occur within the workforce where people (including migrants & women) are forced to work or where their recruitment agencies put them under financial debt by requiring payment of recruitment fee etc. upon their start of work. In addition, foreign workers could potentially have their passport confiscated which would prevent them from leaving their jobs and impede their movement. Forced employment of laborers especially of local laborers or internal migrants a serious offence and must be prohibited. A national Grievance Redress Mechanism to report cases of forced and child labor is established through the Federation of Trade Unions in Uzbekistan responsible for the monitoring of labor rights protection, using a 24-hour helpline anonymous short number (1092), telegram bots (the most popular messenger in Uzbekistan) and internet sites. Similarly, no child, forced, involuntary or unpaid labor will be used in any civil works activities, contracted by or directly associated with the project.	❖ The Contractor will ensure that no forced Labor exists in the project by gathering documents and appropriate proof. ❖ A consent section will be part of the employee signed employment contract. Contractors will ensure that if Labor is sourced from any subcontracting agency, the workers are not subject to coercion and forced Labor conditions. ❖ Surprise and random inspection by PIU will be carried out on a regular basis to ensure ESS compliance.
Foreign workers	High	Conflict arises between different cultures resulting in tension, which could lead to violence and work stoppages. Foreign workers feel threatened and leave, resulting in skills gap. They risk to undermine locals and take preferential treatment. Perceptions by local workers that	❖ Cultural awareness programs during induction. ❖ Complete transparency on all fees paid to the agencies to be required by the contractor and subject to approval by Resident Engineer.

⁴ <https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-waste-management-en.pdf>

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
		wages, salaries and benefits are poor and that foreigners are treated better and receive better conditions of employment.	❖ The Contractor should aim to contract directly with their workers and not use third party agencies. This means that workers will be paid by the contractor directly and not through an agency. ❖ The Contractor ensures that all workers have written contracts of employment signed by both parties that cover all the terms and conditions of employment. Each party to the contract shall have an original copy. Contracts will be drafted in the relevant language and the contractor will ensure that the worker understands the terms and conditions of employment. ❖ The contractor is to provide Contracts of Employment with terms and conditions, as a minimum, complying with GoUz legislation. The terms and conditions should be equal to, or better than, similar work in similar projects in the country.
Child labour	Moderate	Until recently, the employment of minors (i.e., individuals below the age of 18 years) was prevalent in Uzbekistan's cotton production sector. While targeted governmental interventions have eliminated this form of child labour to a large extent. Nevertheless, the national Labour Code of Uzbekistan allows the employment of minors in labour that is not economically exploitative, hazardous, or detrimental to children's health, physical, mental, spiritual, moral, or social development. The engagement of in-country recruitment agencies presents the potential of unscrupulous and exploitative recruitment practices, which may involve minors below the age of 18 and unlawful employment arrangements for minor recruits.	❖ Contractor will be prohibited to employ anyone under the age of 18 in this project. ❖ The minimum age of eighteen (18) will be enforced at recruitment, in induction of the activities and in daily staff team. ❖ All the workers to be recruited will show the identity card for checking if he or she is not less than 18 years old. ❖ Ensuring that children and minors are not employed directly or indirectly on the project ❖ Communication on hiring criteria, minimum age, and applicable laws. ❖ Maintain labor registry of all contracted workers with age information. ❖ Restrict workers from buying merchandise from children. ❖ Routine monitoring of project sites to confirm no underage is hired and involved in the work on the project site.
Labor influx	High	The project may face an influx of non-local labor and working conditions issues as skilled laborers might not be available within the community. The influx of workers and followers can lead to adverse social and environmental impacts. Such adverse impacts may include increased demand and competition for local social and health services, as well as	❖ Reduce labor influx by tapping into the local workforce ❖ Incorporate social and environmental mitigation measures into the civil works contract ❖ Provide information to communities in project area and to host communities about the contractor's policies and Worker Code of

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
		for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, increased demands on the ecosystem and natural resources, social conflicts within and between communities, increased risk of spread of communicable diseases such as HIV/AIDS, and increased rates of illicit behavior and crime.	Conduct (see Annex 1- The Content and Template of Code of Conduct). ❖ Conduct training programs on HIV/AIDS, STDs and other communicable diseases in accordance with Good Practice Note: HIV/AIDS in the Workplace (World Bank Group. 2002)⁵.
Poor labour and working conditions of service (unsafe work environment, underpayment, lack of workers' rights, etc.)	High	Upon recruitment, construction workers and contracted labourers in particular may be subjected to working and living conditions that do not meet minimum welfare requirements prescribed in relevant national legislation (i.e., national constitution, Labour Code), binding ILO conventions and lender requirements. Workers may be afflicted with onerous routines with protracted working durations, absence of rest breaks, and lacking access to dining and potable water facilities/ supplies, and insufficient sanitary facilities, amongst other inadequacies. In addition, any potential facilities for centralized worker accommodation may not meet national and international standards for the accommodation of construction labour (including Law on Occupational Safety and Health, the IFC/EBRD guidelines for workers' accommodation ⁶ etc.), on account of cramped conditions, poor ventilation, lacking sanitation facilities and gendered in-house facilities. Burdensome and inconvenient working and living conditions may impinge on workers' rest, stress levels, capacity for satisfactory performance, job satisfaction and general wellbeing.	❖ An appropriate living quarters and good working environment will be provided to workers, sanitation facilities separate for male and female, basic amenities. ❖ Remuneration packages for direct and contracted workers will be provided on a fair and equitable basis, taking into account legally established minimum wage, benchmarks for similar jobs within the relevant sector and project location, the cost of living, provisions for health insurance and other fringe benefits, as well as level of experience. ❖ Residential facilities that meet the EBRD/ IFC guidance for labour accommodation will be used for accommodating the Project's contracted workforce. ❖ Welfare facilities and basic workplace services will be provided free of charge (i.e., drinking water, food, on-site medical services, transportation between accommodation facilities and work stations). ❖ Routine inspections and audits will be undertaken to demonstrate adequate maintenance of the Project's accommodation and welfare facilities, and continual performance on relevant housing and safety standards. ❖ Adequate and conveniently located sanitation facilities, including toilets, ablution, drenching, and handwashing and sanitizing facilities will be provided within the project sites.

⁵ <https://documents1.worldbank.org/curated/en/677341468764048651/pdf/267300English01te0no1020HIVAIDS1web.pdf>

⁶ <https://www.ifc.org/content/dam/ifc/doc/mgrt/workers-accomodation.pdf>

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
			❖ Adequate and conveniently located facilities for the disposal of domestic and industrial waste will be provided within the project sites.
Employment, non-discrimination and Equal Opportunities	High	Recruitment mechanisms for construction-phase labour may involve discriminatory and/or exploitative practices which may inhibit fair and equitable access to job opportunities and employment terms/ benefits. This risk potentially applies to recruitment agencies with unscrupulous recruitment procedures. Discriminatory recruitment practices may deny suitably qualified job candidates equitable access to employment on the basis of bribery, nepotism, sexual harassment, and/or biased consideration on the basis of personal attributes of no bearing on inherent job requirements (e.g., gender, religion, ethnicity etc.). Likewise, exploitative recruitment practices may deny job candidates and recruits equitable employment benefits or legal entitlements (e.g., remuneration, overtime compensation, health insurance professional development, leave entitlements, freedom of association and right to engage in traetc.). In addition, workers may be recruited without the establishment of transparent, comprehensive, and mutually accessible employment contracts to document mutual obligations (i.e., job requirements, length of employment, related legal entitlements) and ensure satisfactory performance and sound employee-management relationships.	❖ Ensure non-discrimination of workers in accordance with Good Practice Note: Non-Discrimination and Equal Opportunity. World Bank Group⁷. ❖ The employment relationship shall be based on the principle of equal opportunity and fair treatment and shall not discriminate with respect to any aspect of the employment relationship, including recruitment, remuneration (including wages and benefits), terms and conditions of employment, including maternity/paternity leave provisions, access to training, promotion, termination of employment or retirement, and discipline. ❖ The contractor will not make recruitment decisions on the basis of personal characteristics such as gender, race, nationality, ethnic origin, religion or belief, disability, age or sexual orientation which are unrelated to the inherent job requirements. ❖ SEA/SH will not be tolerated and the Contractor will include this in the Worker Code of Conduct, which will be made available in local languages. ❖ The Contractor will document and communicate to all workers their terms and conditions of employment, including their entitlement to wages, hours of work, overtime rules and overtime pay, and any benefits (such as sick leave, maternity/paternity leave or holiday). ❖ Special measures of protection or assistance to promote local employment opportunities or selection for a particular job based on the inherent requirements of the job which are in accordance with national law, will not be deemed discrimination.

⁷ <https://www.ifc.org/content/dam/ifc/doc/mgrt/nondiscrimination.pdf>

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
Sexual exploitation and Abuse/Sexual Harassment (SEA/SH)	Moderate	<i>Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH)</i> risk is rated moderate due to national legislation exist, gender norms of rural residents, based on respect for local rules and traditions and mainly construction of the road will be implemented in the vicinity of health facilities or fenced territories. Influx in workers from outside the Project region will increase the likelihood of Gender Based Violence and Harassment (GBVH), Sexual Exploitation & Abuse (SEA) and Sexual Harassment (SH). The construction workers are likely to be predominantly young male coming from other regions of Uzbekistan. These workers will be away from their families and removed from their normal social spheres. This could potentially result in peer pressure and involvement in unlawful behavior such as harassment of local women, young girls and boys or women within the Project workforce. Such behavior can lead to increase in exploitative sexual relationships and unwanted aggressive advances and harassment. This could also lead to disintegration of relationships in local households impacted by GBVH/SEA/SH.	❖ Contractors will be contractually obligated to include provisions against the use of any violence, and the Code of Conduct (COC) to be signed by project workers should clearly state that the contractor and its staff must respect and observe local customs and traditions, respect local women, women involved in rehabilitation activities of the Project and their privacy. ❖ The SEA/SH criteria for business practices will be provided to project participants and the project will include Codes of Conduct for project workers and bidding documents. ❖ Project Affected Parties are informed of SEA/SH risks during the stakeholder consultations. ❖ Raise awareness of SEA/SH among all workers to disseminate risks and preventive actions, ways to support and ensure a fully operational GRM (see Stakeholder Engagement Plan - SEP) that responds confidentially to incidents and uses a survivor-centered approach with safe and ethical reporting standards. ❖ To avoid the risk of stigmatization, exacerbation of the mental/psychological harm, and potential reprisal, the grievance mechanism shall have a different and sensitive approach to SEA/SH-related cases. Where such a case is reported, the grievance recipient will be responsible for the recording and registration of the complaint. A GRM operator cannot reject a SEA/SH complaint. All potential first recipients of SEA/SH cases will be trained in the guidelines for empathetic, non-judgmental listening to a survivor when recording a complaint.
Discrimination against women in employment	Moderate	In most rural communities in Uzbekistan, women typically carry out household work owing to the general perception that men go to formal work while women and girls assume household duties. Therefore, the risk of discrimination in recruitment and employment of women is important. If there is no deliberate effort by the project to encourage the local women to thrive in contracted work or community work the risk of missing them as beneficiaries of potential employment is substantial.	❖ Gender based discrimination to be strictly prohibited and monitored by the Contractors and the PIU; ❖ Contractors are compelled to safeguard the interests of women, including gender parity at the workspace, prohibiting, preventing and punishing sexual harassment and other forms of GBV towards female workers by other project workers, appropriate sanitation facilities at workplace, and appropriate PPE for women.

Potential Labor Risk	Sensitivity	Justification	Risk Mitigation Measures
		There is also a high incidence of sexual harassment of female workers by other workers. During the construction phase, workers will also be vulnerable to various forms of harassment, exploitation and abuse, aggravated by a traditionally male working environment.	❖ Development of Grievance Mechanism (GM) which is accessible, and confidentiality of personal information is ensured ❖ Implement a deliberate policy for gender equality. ❖ Develop deliberate mechanisms to monitor participation of vulnerable groups in all activities ❖ Provide systems to ensure equal opportunity for all regardless of gender, ethnic and social status.

4. REGULATORY FRAMEWORK IN UZBEKISTAN

Various laws, policies and code of practices are applicable to the implementation of this LMP. The Borrowers Labor Legal Framework is strongly compliant to the ESS2. The laws and procedures are aligned with the international standards, namely the ILO Conventions and EU Directives, as the terms, conditions and instruments proposed in the international conventions and directives are incorporated into the national labor legislations. Uzbekistan has ratified all of the eight fundamental international labor related conventions:

- ❖ C029 - Forced Labor Convention, 1930 (No. 29); 13 Jul 1992;
- ❖ C087 - Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); 12 Dec 2016;
- ❖ C098 - Right to Organize and Collective Bargaining Convention, 1949 (No. 98); 13 Jul 1992;
- ❖ C100 - Equal Remuneration Convention, 1951 (No. 100); 13 Jul 1992;
- ❖ C105 - Abolition of Forced Labor Convention, 1957 (No. 105); 15 Dec 1997;
- ❖ C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111); 13 Jul 1992;
- ❖ C138 - Minimum Age Convention, 1973 (No. 138); Minimum age specified: 15 years; 06 Mar 2009;
- ❖ C182 - Worst Forms of Child Labor Convention, 1999 (No. 182).

Uzbekistan pursues a purposive policy of creating a legal framework for the protection of human rights and freedoms in accordance with international standards. Having joined the world community, the Republic has constitutionally sealed the priority of universally accepted norms of international law. As a fully-fledged member of the United Nations Organization, Uzbekistan accedes to international human rights acts thus assuming an obligation to comply with them and apply them in its state and legal practice. The universal significance of international human rights acts means that its provisions should be embodied in national legislation.

4.1. UZBEKISTAN NATIONAL LABOR LEGISLATION

The Ministry of Employment and Poverty reduction of the Republic of Uzbekistan is the main state institution responsible for labor, employment, and social protection policy making. The ministry is tasked with the development and regulation of labor market and ensuring employment of population, regulation of labor relations and labor protection, provision of social services for population and medical-social rehabilitation of persons with disabilities.

The supervision and monitoring of compliance with Labor Code requirements and protection of labor rights of citizens is implemented by the State Labor Inspection under the Ministry of Employment and Labor Relations, and its territorial subordinate structures according to the Statement on the State Labor Inspection, Attachment #3, Resolution of the Cabinet of Ministers #1066 of 31.12.2018 “On measures to improve the performance of the Ministry of Employment and Labor of Relations of Uzbekistan”.

Labor related legislation in Uzbekistan consists of the Constitution of the Republic of Uzbekistan, Labor Code, and other legal and regulatory instruments and international treaties supported by the Republic of Uzbekistan.

The Constitution of the Republic of Uzbekistan stipulates basic principles of employment. Article 37 of the Constitution specifies that everyone have the right to work, including the right to choose their occupation. Every citizen shall be entitled to fair conditions of labour and protection against unemployment in accordance with the procedure prescribed by law. Any forced labour shall be prohibited, except as punishment under the sentence of a court, or in

some other Instances specified by law. According to Article 39 everyone have the right to social security in old age, in the event of disability and loss of the bread-winner as well as in some other cases specified by law. Pensions, allowances and other kinds of welfare may not be lower than the officially fixed minimum subsistence wage.

Uzbekistan pursues a purposive policy of creating a legal framework for the protection of human rights and freedoms in accordance with international standards. Having joined the world community, the Republic has constitutionally sealed the priority of universally accepted norms of international law. As a fully-fledged member of the United Nations Organization, Uzbekistan accedes to international human rights acts thus assuming an obligation to comply with them and apply them in its state and legal practice.

The universal significance of international human rights acts means that its provisions should be embodied in national legislation. The Main Law of the Republic of Uzbekistan includes all the provisions of the Universal Declaration of Human Rights.

Labor Code of the Republic of Uzbekistan (dated April 1, 1996; updated April 30, 2023) is the fundamental legislative act aimed at governing relations between employees and employers, as well as other legal relations derived from such relations between them and relevant national authorities and entities. The Code also stipulates health and safety related requirements and principles.

Enforcement of Labor Code is implemented by the State Labor Inspection under the Ministry of Employment and Labor Relations, and its territorial subordinate structures according to the Statement on the State Labor Inspection, Attachment #3, Resolution of the Cabinet of Ministers #1066 of 31.12.2018 “On measures to improve the performance of the Ministry of Employment and Labor of Relations of Uzbekistan”.

a) Age of employment

Article 7 of the Labor Code states that Forced labor, i.e., forced to perform work under the threat of any punishment (including as a means of labor discipline) is prohibited. The right to work is permitted for persons aged 16 and older. The law allows hiring of students from secondary schools, secondary special, professional educational institutions as an internship to perform light work that does not harm their health and moral development, and does not interfere with the learning process, in their free time, provided that they are over the age of 15 with written consent by a parent or legal guardian (Article 31). No one under the age of 15 is allowed to work under the Labor Code.

Young people aged between 15 and 18 years old have the right to work based on the local legislations, and have the same rights as adult workers with some benefits due to their age (Labor Code, Article 413). People under age of 18 can be employed only after medical examination and further until reaching the age of eighteen are subject to mandatory annual medical examination. People under age of 18 can be employed only for works which have no risk to their health, safety and moral, they are not allowed to lift and move heavy objects (Labor Code Article 118).

Employees aged 15-16 are allowed to work no more than 24 hours a week, and employees aged 16-18 are allowed to work no more than 36 hours a week. Students can be employed only when they are free of study, and their working time may not exceed half of the maximum working time set for the respective age groups, i.e. students aged 15-16 can work only 12 hours a week and students aged 16-18 allowed to work no more than 17.5 hours a week (Article 415).

b) Women

Night time work, overtime work, work on weekends and business trips for pregnant women and women with children under the age of 14 (with disabled children up to 16 years old), are allowed only with their consent. Herewith, recruitment of pregnant women and women with children under 3 years of age for night works is allowed only if there is a medical certificate confirming that such work does not threaten the health of the mother and child (Article 228).

Pursuant to the Presidential Decree No. PP - 4235 of March 7, 2019, men have received the same package of rights related to the childcare since 1 May 2019, only one of the parents (male or female) can decide to take maternity leave. Additionally, the President ordered to revoke the prohibitions on the use of female workers. As a corollary, the list of the professions that excluded the females' presence has gained a recommendatory nature (amendment to Article 225).

c) Wages and deductions

The amount of salaries is established by agreement between the employer and the employee. Salaries cannot be lower than the minimum amount established by law and is not limited to any maximum. Wage is made, as a rule, in cash. In-kind wage is prohibited, with the exception of cases established by the Government of the Republic of Uzbekistan.

For employees of institutions and organizations financed from the budget, as well as state enterprises, the minimum level of wage conditions is established by law. In areas with adverse climatic and living conditions, district coefficients and allowances for wages are established.

The Labor Code stipulates right of employees to get wages, without discrimination, not less than the minimum salary determined by the State. Wages includes the standard monthly pay, supplements to it, and bonuses.

By default, the legislation (Article 154, Labor Code) defines that an employer, irrespective of his financial condition, is obliged, within the time period determined by Article 161 of the Code, to pay the employee the work he has performed in accordance with the established conditions. The amount of salary determined by agreement of the parties to the employment contract may not be lower than established by the collective agreement or contract.

Overtime work, on weekends and holidays is paid no lower than in double rate. The specific amount of payment is established in the collective agreement, and if it is not concluded, determined by the employer in consultation with the trade union committee or other representative body of workers.

At the request of the employee, work on a holiday or day off can be compensated by providing another day of rest (time off). At the request of the employee, overtime work may also be offset by the provision of time off at a rate commensurate with the number of overtime hours worked. When compensating for work on a holiday or a day off or overtime, a day off is paid for such work no less than in a single amount.

According to the Article 164 if the Code deductions from salary are possible as a general rule with the written consent of the employee, and in the absence of consent - by decision of the court. Regardless of the consent of the employee, deductions are made:

- ❖ taxes and other obligatory payments established in the Republic of Uzbekistan.
- ❖ for the enforcement of court decisions and other executive documents.
- ❖ to repay an advance paid on a salary account, to repay an unspent and timely non-refunded advance paid on business needs, on business trips or in connection with a

transfer to work in another locality, and to return amounts unnecessarily paid due to accounting errors.

- ❖ upon termination of the employment contract before the end of the working year, on account of which the employee has already received leave, for unworked days of leave.
- ❖ to compensate for the harm caused by the employee to the employer, if the amount of damage does not exceed the average monthly earnings of the employee.
- ❖ the fine stipulated by clause 2 of the first part of Article 181 of the Code.

For each payment of wages, the total amount of deductions may not exceed fifty percent of the wages due to the employee. The Labor Code also provides for higher remuneration to the workers engaged in heavy work, work with harmful or hazardous working conditions or in unfavorable climate.

d) Work time

A worker is considered the time during which the employee must fulfill his labor duties in accordance with the schedule or work schedule or the terms of the employment contract. The normal working hours for an employee may not exceed forty hours per week. With a six-day work week, the duration of daily work may not exceed seven hours, and with a five-day work week, eight hours.

Separate categories of workers, taking into account their age, state of health, working conditions, specifics of labor functions and other circumstances, in accordance with legislative and other regulatory acts on labor, as well as the terms of the labor contract, a shorter working time is established without reducing wages. Reduced working hours are set:

- ❖ workers under the age of eighteen (Article 242, Labor Code);
- ❖ employees who are disabled I and II groups (part three of Article 220, Labor Code);
- ❖ workers employed in jobs with adverse working conditions (Article 117, Labor Code);
- ❖ workers with a special working conditions (Article 118, Labor Code);
- ❖ women with children under the age of three and working in institutions and organizations financed from the budget (Article 228-1, Labor Code).

A shorter working time of not more than thirty-six hours per week is established for employees exposed to physical, chemical, biological and other production factors that are harmful to their health during the work process. The list of such works at the enterprise and the specific duration of working time when they are carried out are determined by industry (tariff) agreements, collective agreements, and if they are not concluded, by the employer, in agreement with the trade union committee or other representative body of workers, based on the methodology for assessing working conditions approved by the Ministry employment and labor relations of the Republic of Uzbekistan and the Ministry of Health of the Republic of Uzbekistan. For workers employed in jobs with particularly harmful and especially difficult working conditions, the maximum working hours are set by the Government of the Republic of Uzbekistan.

For certain categories of workers (medical workers, teachers and others) whose work is associated with increased emotional, mental, nervous tension, that is, has a special character, the working time is set to no more than thirty-six hours a week. The list of such workers and the specific duration of their working hours are determined by the Government of the Republic of Uzbekistan.

By agreement between the employee and the employer, it can be established both when hiring, and subsequently part-time or part-time work. The employer is obliged to establish part-time at the request of the employee in cases provided for by the Code (Article 229), as well as legislative and other regulatory acts on labor. Part-time work does not entail any restrictions

on the length of annual basic leave, the calculation of seniority and other labor rights and is paid in proportion to the time worked or depending on the output.

e) Leaves

All employees, including those working concurrently, are granted annual labor leave to rest and restore working capacity while maintaining their place of work (position) and average earnings. Annual basic leave is granted to employees with a duration of at least fifteen working days (Article 135, Labor Code).

Based on age and state of health, the annual basic extended leave is granted:

- ❖ persons under the age of eighteen - thirty calendar days;
- ❖ working disabled people of I and II groups - thirty calendar days.

For certain categories of employees, depending on the specifics and nature of their labor functions and other circumstances, extended holidays are established in accordance with the law. The provision of extended annual leave, in addition to established by legislative or other regulatory acts on labor, may also be provided for by the terms of the employment contract.

Additional holidays are provided to employees:

- ❖ those employed in unfavorable and special working conditions (Article 137, Labor Code);
- ❖ performing work in difficult and adverse climatic conditions (Article 138, Labor Code);
- ❖ in other cases stipulated by legislative and other regulatory acts on labor, the terms of the employment contract.

f) Labor disputes

Collective and individual labor disputes are regulated in accordance with the Chapter XV of the Labor Code. Individual labor disputes are considered: labor dispute commissions, with the exception of disputes referred to in Article 269 of the Code; or district (city) courts. The employee has the right, at his choice, to resolve the labor dispute to the labor dispute committee or directly to the court.

However, in case of collective agreements, a special commission may be created. Labor dispute commissions are created on an equal footing by the employer and the trade union committee or other representative body of workers. The procedure for resolving collective labor disputes regarding the establishment of new or changes in existing working conditions is established by law.

g) Labor disputes

The general court system, where civil and criminal cases are tried, is responsible for resolving labor-related disputes. This can be done on a regional or city level. Formally, workers can file their complaints through the Prosecutor General's Office. The Ministry of Employment and Labor Relations should provide legal support to employees in their labor disputes.

Disputes may be adjudicated by commissions that are created "on a par with employer and agencies representing the interests of employees..." (that is, with equal representation of employee/employees and employer), if such commissions are provided for in labor agreements/contracts (Article 262).

Commissions must consider issues within 10 days. If the employer, employee, or their representatives disagree with decisions by a commission, or if the commission does not consider applications within 10 days, any of the parties may appeal to the courts, but that must be within 10 days of the decision (or no decision).

4.2. UZBEKISTAN LEGISLATION REQUIREMENTS ON OHS

Occupational Health and Safety (OHS) legislation comprises the Labor Code, the Law on Occupational Safety and Health (LOSH), the decrees of the President of the Republic of Uzbekistan, Occupational Health and Safety standards, decisions of executive government agencies taken within their competence in the form of decrees, executive orders, regulations, directives, rules, etc.

Article 37 of the **Constitution of Uzbekistan** says that “each has the right to work, to free choice of work, fair terms of work and protection against unemployment under the law.”

More than 30 articles of the **Labor Code** are directly linked with issues of occupational safety and health. They include:

- ❖ occupational safety and health requirements (Article 211);
- ❖ ensuring safe and healthy labor conditions (Article 212);
- ❖ instruction and training in OHS matters (Article 215);
- ❖ regulation of working hours in hazardous occupations for workers performing special work and workers under 18 (Articles 116, 117 and 118);
- ❖ terms of recruiting invalids for various jobs (Article 220);
- ❖ providing workers with milk, medical preventative nutrition, means of individual protection and hygiene (Article 217);
- ❖ providing first medical aid to workers who have fallen ill at work (Article 221); and
- ❖ registration and investigation of accidents, supervision of labor conditions (Article 222) and others.

The Law “On Labor Protection” in the new edition was signed by the President of Uzbekistan on September 22, 2016. The law is aimed at further improvement of labor protection system, strengthening responsibility of employer and workers to execute requirements in this area, defining public authorities powers to ensure proper monitoring of working conditions and safety, increasing efficiency of public control in this field, bringing certain provisions of the current law in accordance with the requirements of the newly adopted legislative acts in modern market economy.

The law introduces new concepts, regulates clearly issues of certification of workplaces on working conditions, audit of the OHS management system, investigation and registration of accidents at work and occupational diseases. It establishes specific mechanisms for public and trade unions participation in implementation of public control in this field, secures their rights related directly to OHS activities.

The Law on Occupational Safety in Hazardous Production Facilities passed on August 25, 2006 sets down the legal, economic and social terms of ensuring safe exploitation of hazardous production facilities and is aimed at preventing accidents and building the capacity of enterprises to liquidate their aftermath.

Under the Law of the Republic of Uzbekistan On Occupational Safety and Health, the following are the main principles of the state OHS policy:

- ❖ priority of the life and health of the worker over the results of the enterprise activities;
- ❖ coordination of OHS activities with other areas of economic and social policy;
- ❖ establishment of uniform OHS requirements for all the enterprises irrespective of their form of ownership and management;
- ❖ ensuring environmentally safe labor conditions and systematic control of the environment in the workplace;
- ❖ supervision and monitoring of universal compliance with OHS requirements at enterprises;
- ❖ state participation in funding OHS;
- ❖ training of OHS specialists at higher and secondary specialized education institutions;
- ❖ providing incentives for the development and introduction of safe technology and means of protecting workers;
- ❖ wide scale use of the achievements of science, technology and the best domestic and foreign practices in the field of OHS;
- ❖ free provision of workers with special work clothes and footwear, individual protection means and medical preventative nutrition;
- ❖ the conduct of a tax policy that stimulates occupational safety and health at enterprises;
- ❖ mandatory investigation and registration of each occupational accident and occupational disease case and on that basis keeping the public informed about the levels of occupational accidents and diseases;
- ❖ social protection of the interests of the workers who have become victims of occupational accidents or diseases;
- ❖ all round support for the activities of trade unions and other nongovernmental associations, enterprises and individuals in the field of OHS; and
- ❖ international cooperation in dealing with OHS problems.

In addition to the main legislation the Republic has national normative documents addressing the issues of occupational health and safety. They include the Sanitary Rules and Norms (SanPiN), State Occupational Safety Standards (GOST), Construction Norms and Rules (SNiPs), standards of the content of harmful substances (maximum allowable concentrations and levels), normative methodological documents on individual issues setting forth concrete requirements to occupational safety in hazardous facilities, when manufacturing or applying various products, etc. In addition to state normative documents various sectors of industry enforce departmental and interdepartmental norms, requirements and rules of occupational safety and health.

The owner and employer of the organization shall be directly responsible for the occupational safety of employees in the workplace and for the application of regulations. They also shall be obliged to take the following measures in the workplace:

- ❖ obey all occupational safety standards, norms and regulations;
- ❖ protect the security of buildings, machinery, technological processes and equipment;
- ❖ provide healthy conditions in the workplace and use current public health standards;
- ❖ provide the necessary sanitary and cleanliness and provide treatment and prevention services;
- ❖ provide employees who work in a harmful or adverse environment with free therapeutic food, milk or other foodstuff equivalents;
- ❖ apply normal work and rest standards;
- ❖ provide employees with free work clothes, shoes and other necessary protective gear in the required condition and with normal, regular frequency;
- ❖ educate, instruct, and test the knowledge of employees on occupational safety

- ❖ standards and regulations and encourage them in occupational safety;
- ❖ include necessary occupational safety regulations in the collective contract and assume responsibility as defined in these regulations;
- ❖ provide a statistical report on the application of current occupational safety standards and working conditions; on measures taken to implement the
- ❖ standards and the results of activities to achieve these goals. The required information shall be provided at specific times and in specific forms determined by the relevant executive authorities.

Enforcement of OHS legislation

The main state bodies responsible for the implementation of OHS policy are:

- ❖ the Ministry of Employment and Poverty reduction of the Republic of Uzbekistan, including the State Labor Inspection under the Ministry with territorial branches distributed all over the Republic;
- ❖ the State Inspection for Safety in Industry, Mining and Housing and Utilities Sector;
- ❖ the Department of State Sanitary Epidemiological Supervision under the Ministry of Health of the Republic of Uzbekistan.

In inspections of the State Sanitary and Epidemiological Authority (the Law on State Sanitary Supervision was dated on July 3, 1992), State Fire Inspection, the State Natural Resources Committee, the State Energy Supervision Authority and other bodies deal with OHS management within their frames of reference. The powers of inspections are determined by the Regulations approved by the corresponding ministries and agencies. Uniform application of labor legislation in the Republic is supervised by the Public Prosecutor's Office of the Republic of Uzbekistan (Article 9 of the Labor Code of the Republic of Uzbekistan). 38. The Cabinet of Ministers of the Republic of Uzbekistan effects overall control of OHS (Article 5 of the Law on Occupational Safety and Health). Under the Law on Occupational Safety and Health the Labor Code of the Republic of Uzbekistan enterprises are responsible for ensuring occupational safety and health requirements and officials violating such requirements or obstructing the activities of state supervisory and monitoring bodies are disciplined or prosecuted under criminal law.

The Ministry of Employment and Poverty reduction has an OHS directorate and the State Labour Inspection and its regional branches in the Republic of Karakalpakstan, Viloyats (provinces), the Tashkent city and district directorates and branches on labor, employment and social security. They constitute a single system of supervision and monitoring compliance with OHS requirements at the ministries and agencies, institutions, organizations, industrial and agricultural enterprises, with the exception of hazardous facilities that are under the jurisdiction of the State Inspection on Safety in Industry, Mining and the Housing and Utilities Sector.

The structural units of the State Inspection for Safety in Industry, Mining and the Housing and Utilities Sector are sectoral inspections:

- ❖ for supervision of the coal and mining industries;
- ❖ for supervision of the oil and gas industry;
- ❖ for supervision in the chemical, metallurgical and oil and gas processing industry;
- ❖ for gas supervision;
- ❖ for boiler and underground structures supervision;
- ❖ for geological prospecting supervision;
- ❖ for nuclear industry supervision;
- ❖ for transport and storage of petroleum products supervision;

- ❖ for supervision of the carriage of hazardous cargoes;
- ❖ for supervision of subsoil resources, processing of mineral raw materials and geological and surveying control;
- ❖ for supervision of compliance with the technological rules of grain storage and processing;
- ❖ for supervision of the work of power stations, substations and networks; and
- ❖ for supervision of the housing and utilities sector.

Sanitary supervision is carried out in the name of the state by the agencies of the Ministry of Health in accordance with the basic laws of the Republic of Uzbekistan: The Constitution, the Laws on Protecting the Health of Citizens and On State Sanitary Supervision (Gossannadzor) and other regulations.

According to the Statement on the Procedure for the Creation and Organization of Labor Protection Services in organizations, Attachment #5, Resolution of the Cabinet of Ministers #1066 of 31.12.2018 “On measures to improve the performance of the Ministry of Employment and Labor of Relations of Uzbekistan” each organization must have Labor Protection personnel which is responsible for:

- I) organization of work to ensure that employees comply with labor protection requirements;
- II) monitoring compliance by employees with laws and other regulatory legal acts on labor protection, regulatory documents in the field of technical regulation on labor protection, the collective agreement, labor protection agreements, and other local regulatory acts of the organization;
- III) the organization of preventive work to prevent occupational injuries, occupational diseases and diseases caused by occupational factors, as well as work to improve working conditions;
- IV) informing and advising the employer and employees of the organization on labor protection issues, introducing best practices and scientific developments on labor protection, promoting labor protection issues;
- V) implementation of measures for the organization of induction trainings, trainings, retraining and advanced training of employees of the organization on labor protection issues.

And if organization have employees less than 50 people, than this organization should have at least on labor protection specialist or one of the managers combine work of the labor specialist, and for organizations with employees more than 50 people, labor protection service need to be created within the organization.

The Law of Uzbekistan #210 of 16.04.2009 “About mandatory insurance of civil liability of employer” obliges employers, under the conditions and in the manner established by the Law, to insure its civil liability for compensation for harm caused to the life or health of the employee in connection with work injury, occupational disease or other health damage associated with the performance of his/her labor duties (Article 4).

4.3. WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS: ESS 2

The projects financed by the World Bank need to comply with the World Bank’s Environmental and Social Framework (ESF)⁸, effective from October 2018, comprising, inter alia, the

⁸ https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf?_gl=1*lf4ra*_gcl_au*MTYwMzk2NTYwOS4xNzlyNDM1MjYy

Environmental and Social Standards (ESS)⁹. The ESF specifies the mandatory requirements in the form of 10 ESSs that borrowers must apply based on the specificity of each project.

Environmental and Social Standard 2 (ESS2)¹⁰ addresses labor and working conditions. This standard recognizes the importance of employment creation and income generation in the pursuit of reducing poverty and inclusive economic growth. By treating workers fairly and ensuring safe and healthy working conditions, borrowers can promote sound worker-management relations and enhance the development benefits of a project. Key objectives of the ESS2 are to:

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

ESS2 applies to project workers including full-time, part-time, temporary, seasonal, and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project. ESS2 will not apply to government civil servants.

The Borrower is responsible for developing and implementing written labor management procedures applicable to the project. These procedures set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS¹¹. The procedures will address the way in which this ESS will apply to different categories of project workers including direct workers, and the way in which the Borrower will require third parties to manage their workers.

Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination 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.

⁹ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

¹⁰ <https://pubdocs.worldbank.org/en/149761530216793411/ESF-GN2-June-2018.pdf>

¹¹ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

PIU will develop and implement internal labor management procedures applicable to the project. These procedures will set out the way in which project workers will be managed, in accordance with the requirements of national law and ESS2. The procedures will address the way in which ESS2 will apply to different categories of project workers including direct workers, and construction workers. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

4.4. KEY GAPS BETWEEN NATIONAL LEGISLATION AND WORLD BANK ESS2

Table 4: Summary of World Bank Requirements and Key Gaps with Uzbekistan Legal Requirements

ESS & Topic	Major WB requirements	Key requirements / Gaps in Uzbekistan legal framework	Principles to be followed by the Project
Working conditions and management of labor relations	- Written labor-management procedures - Terms and conditions of employment - Non-discrimination and equal opportunity - Worker's organizations - Elaborate Labor-Management Plans including Contractor's Environmental Social Management Plan	No major legislative gaps identified. Working conditions and management of labor relations related legislation in Uzbekistan consists of the Constitution of the Republic of Uzbekistan, Labor Code, and other legal and regulatory instruments and international treaties supported by the Republic of Uzbekistan. Having joined the world community, the Republic has constitutionally sealed the priority of universally accepted norms of international law. No provision for Labor Management Plan	LMP was developed for the project. Terms and conditions in the LMP to comply with national law and WB requirements. Where there are gaps, such as in the case with a child working, the more stringent requirements are to be followed.
Grievance mechanism	GM should be in place for direct workers and contracted worker	No project-specific GM is warranted. However, it is allowed to apply to: a) conciliation commission; b) Labor Inspection under the Ministry of Employment and Labor Relations; and c) Court.	PIU will develop a specific GRM for all workers as per this LMP.
Category of workers	Specifies these following categories of workers: - Direct workers - Contracted workers - Primary supply workers - Community workers	No reference to Community and Primary Supply Workers. No clear enforcement mechanism for the existing rules on management of	No community workers will be involved in the Project. Screening and monitoring measures will be introduced for primary

ESS & Topic	Major WB requirements	Key requirements / Gaps in Uzbekistan legal framework	Principles to be followed by the Project
		Community and Primary suppliers.	suppliers as per this LMP. The implementation of the project will apply the ESS2
Minimum age of workers	Persons 14-18 are prohibited from work considered hazardous, that will interfere with their education or be harmful to their health or development (physical, mental, spiritual, moral, or social).	Employment permissible for 15 plus age, but for nonhazardous work, with limited hours, and guardian permission.	National law will be followed. The minimum age of eighteen (18) will be enforced at recruitment, in induction of the activities and in daily staff team.
Forced labor	Paragraph 20 of ESS2 proscribes the use of Forced labor defined as any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty. Procurement procedures followed on the Project involve voluntary application for contract positions.	Forced labor, human trafficking, and slavery are criminal offences and as such are criminalized by the Administrative and Labor Codes. Forced labor and human trafficking are strictly forbidden and anyone involved in any such illegal activity may be punished by imprisonment. (Articles 49 and 51 of the Administrative Code of Uzbekistan and Article 7 of the Labor Code) In addition, Uzbekistan ratified the ILO Forced Labor Convention.	The legislative decrees and other relevant laws and experiences will be taken into account. The World Bank ESS2 will prevail in case of discrepancies. The special terms in all project contracts with suppliers about non-use of child and forced labor will be included. The Contractors will ensure that no forced Labor exists in the project by gathering documents and appropriate proof
Occupational Health and Safety	Paragraph 24-25 of ESS2 describes the measures relating to occupational health and safety.	No major legislative gaps identified. OHS legislation comprises the Law on Occupational Safety and Health, the Labor Code, the decrees of the President of the Republic of Uzbekistan, OHS standards, decisions of executive government agencies taken within their competence in the form of decrees, executive orders, regulations, directives, rules, etc.	The OHS regulations address the main ESS2 requirements related to occupational health and safety.
Non-discrimination and equal opportunity	ESS2 promotes the fair treatment, non-discrimination, and equal opportunity of project workers	As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. Article 6 of the Labor Code prohibits discrimination and guarantees that all citizens	The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship. The World

ESS & Topic	Major WB requirements	Key requirements / Gaps in Uzbekistan legal framework	Principles to be followed by the Project
		have equal rights to work; discrimination in labor relations is prohibited. Uzbekistan has ratified C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111); 13 Jul 1992.	Bank ESS2 will prevail in case of discrepancies.
Protection of vulnerable workers	ESS2 applies to project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate	Legislation regarding various categories of vulnerable workers is considered in the Constitution of the Republic of Uzbekistan, Labor Code, and other legal and regulatory instruments and international treaties supported by the Republic of Uzbekistan. As a fully fledged member of the United Nations Organization, Uzbekistan accedes to international human rights acts thus assuming an obligation to comply with them and apply them in its state and legal practice. The Constitution of the Republic of Uzbekistan stipulates basic principles of employment. Article 37 of the Constitution specifies that everyone have the right to work, including the right to choose their occupation.	Project measures will need to close the gaps between national labour legislation and ESS2 and also include measures to enforce compliance with national labour legislation where these are consistent with ESS2.
SEA/SH prevention at the workplace	One of the ESS2 aims to ensure proper working conditions and training, including occupational health and safety (OHS) and protection from sexual exploitation and abuse (SEA), and sexual harassment (SH), gender based violence (GBV) in World Bank-financed projects/operations.	No clear enforcement mechanism for the existing rules on sexual exploitation and abuse (SEA), and sexual harassment (SH), gender based violence (GBV).	The Project shall establish mechanisms that will prevent discrimination, harassment, sexual harassment and abuse at work and ensure equal treatment and equal opportunity for all. Taking into account the standards regarding the prevention of sexual exploitation and abuse/sexual harassment (SEA/SH), which, in accordance with the requirements of the World Bank, must be observed in all projects

ESS & Topic	Major WB requirements	Key requirements / Gaps in Uzbekistan legal framework	Principles to be followed by the Project
			financed by the World Bank, these standards will be observed and responsibilities take action to raise awareness on the prevention and suppression of SEA/SH. The implementation of the project will apply the ESS2. The ESS shall be given priority during project implementation

Note that the LMP is a living document that will be updated during implementation. The Borrower will ensure that the above-mentioned gap will be covered by the project contractors.

5. RESPONSIBLE STAFF

The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination 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.

The CAR will be the lead Implementing Agency (IA) with the overall responsibility for coordinating all aspects of the project, including contributions by the different relevant committees, ministries and agencies participating in the project's implementation. CAR will coordinate the implementation of the Project at the national and local levels. The main role of the CAR will be the preparation of technical conceptual strategic documents for the reform and the organization of their discussion at the national, regional and local levels, as well as the coordination of the reform process at the regional and local levels. In addition, the CAR provides organizational support in the organization of all project activities, the organization of monitoring processes, evaluation and reporting of the project on the above components. CAR carries out regular supervision of the progress of the measures implemented under the Project for the above components. For the implementation of project activities, the CAR together with the PIU organizes the involvement of external expertise through participation in the development of technical tasks and the selection of consultants, as well as provides technical expertise for the acceptance of their reports and the corresponding implementation of their best practices.

The institutional arrangement for the LMP are presented in Table 5.

Table 5: Roles and Responsibilities for LMP implementation

Actors	Stakeholder Responsibilities
PIU under the CAR	❖ Implementing this LMP with respect to Direct Workers (e.g., PIU staff and other positions directly funded by the Project) ❖ Planning and implementation of the SEP and other relevant plans. ❖ Implement this labor management procedure. ❖ Ensure that civil works contractors comply with these labor management procedures, and also prepare occupational health and safety plans before mobilizing to the field. ❖ Ensure the contracts with the contractors are developed in line with the provisions of this LMP and the project's ESMF, as detailed in the Project Operations Manual (POM). ❖ Contracted and subcontracted workers as required by Uzbekistan legislation and ESS2; ❖ Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required Uzbek law and respective contracts between PCU and the contractors. ❖ Monitor contractors and subcontractors' implementation of labor management procedures. ❖ Monitoring compliance with occupational health and safety standards at all workplaces in line with the national occupational health and safety legislation. ❖ Monitor and implement training on LMP and OHS for project workers. ❖ Ensure that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it. ❖ Have a system for regular monitoring and reporting on labor and occupational safety and health performance. ❖ Reporting on state of OHS through regular (quarterly or semi-annual, depending upon the whole project M&E reporting timeline) Environmental and Social Monitoring Reports;

Actors	Stakeholder Responsibilities
	❖ In case of serious incidents and accidents, support the PIU to report to WB in line with requirements of World Bank Environmental and Social Incident Report Toolkit. (ESIRT 2023). ❖ Monitoring implementation of the worker code of conduct.
Construction Supervision Consultant (CSC)	❖ Verify and approve Construction ESMPs, which consist of management plans to address labor related risks. ❖ Ensure that civil works contractors comply with these labor management procedures, and also prepare occupational health and safety plans before mobilizing to the field. ❖ Ensure and implemented the contracts with the contractors are developed in line with the provisions of this LMP and the project's ESMP. ❖ Monitor to verify that contractors are meeting labour and OHS obligations toward contracted and subcontracted workers as required by Uzbek law and respective contracts between CR and the contractors. ❖ Monitor contractors and subcontractors' implementation of labor management procedures. ❖ Monitor compliance with occupational health and safety standards at all workplaces in line with Uzbek occupational health and safety legislation. ❖ Monitor and implement training on LMP and OHS for project workers. ❖ Ensure that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it. ❖ Have a system for regular monitoring and reporting on labor and occupational safety and health performance. ❖ Monitor implementation of the Worker Code of Conduct. ❖ Prepare the Environmental and Social Monitoring Reports to PIU and WB.
The Contractors	❖ Employ or appoint qualified social, labor and occupational safety experts to prepare and implement project specific labor management procedure, occupational health and safety plans, and to manage subcontractor performance; ❖ Develop Contractor's Labor Management Procedures and Occupational Health and Safety Plans, SEA/SH action plans which will apply to contracted and sub-contracted workers. These procedures and plans will be submitted to the Supervision Consultant for review and approval before the contractors mobilize for the design stage; ❖ Contractors will supervise their subcontractors' implementation labor managements procedures and occupational health and safety plans; ❖ Maintain records of recruitment and employment process of contracted workers; ❖ Communicate clearly job description and employment conditions to contracted workers; ❖ Develop, and implement workers' grievance mechanism and address the grievance received from the contracted and sub-contracted workers; ❖ Have a system for regular review and reporting on labor, and occupational safety and health performance; ❖ Deliver regular induction (including social induction) and HSE training to employees; ❖ Ensure that all contractor and sub-contractor workers understand and sign the Code of Conduct prior to the commencement of works. ❖ Deliver OHS training and refresher courses to all employees, including "tool-box" trainings per specific activity/positions, and keep updated record of delivered training to each staff. ❖ Implement and report (monthly, quarterly) on C-ESMP, including OHS measures.

6. POLICIES AND PROCEDURES

This section outlines main policies and procedures to be followed during construction phase of the project. This section will be updated and amended as needed, after construction contracts have been awarded.

The policies adopted for the project will contribute to the achievement of ESS2 objectives and are in line with the CAR HR Policies.

All Employers of direct or contracted workers, in the project must ensure safety and health at work. Strict adherence to the legal provisions, notably the Law on Occupational Safety and Health (LOHS) and WB Environmental, Health, and Safety (EHS) Guidelines¹², is required. It is the responsibility of the CAR and third parties as Employers (both civil servants and consultants regardless of their employment status) to fulfil all the obligations stipulated by the law. This includes assessment of the OHS risks and hazards, informing and training of project workers. It is the responsibility of the CAR and third parties as Employers (both civil servants and consultants regardless of their employment status) to fulfil all the obligations stipulated by the law. This includes assessment of the OHS risks and hazards, informing and training of project workers on the occupational health and safety issues, and taking preventive measures prior and during the work process in order to mitigate or diminish risks for project workers' health and safety. The third party should adapt work processes, work stations and work environment in such a manner to make them safe and hazard free. If any protective equipment is needed, ACR and the third party will provide project workers with it at the third party's expense. The third party must keep records prescribed by the national legislation regarding health and safety at work, and duly report work-related injuries, near misses, fatalities and diseases, in compliance with the law. As for the risks relating to transportation and traffic and residual risks of the workplace, the third party will take reasonable precautionary measures as part of normal work routine.

The project promotes fair treatment, non-discrimination and equal opportunity of project workers. Any and every Employer to direct or contracted workers, will ensure that the selection process for project workers is bias-free, and that the requirements set are not directly or indirectly discriminatory. The project workers will be recruited and assessed on the basis of their competence and professional achievements. Gender, birth, language, race, age, pregnancy, health condition, and/or disablement, ethnic origin, religion, marital status, family obligations, sexual orientation, political or other belief, social background, financial status, membership in political organizations, trade unions, or any other personal characteristic unrelated to inherent job requirements cannot be ground for making any decision regarding employment and the employment relationship. However, third parties are encouraged to take a gender sensitive approach and make reasonable accommodation to make it possible for persons with disabilities to take part in the project. Provided that project workers are expected to be established experts, no person under the age of 18 years will be employed or engaged for work on the project.

All project workers will perform work or provide services under conditions set in their engagement/employment contract or agreement in return for remuneration. Their status must be clearly defined in line with the national law. Any form of disguised employment will not be acceptable. For short term and part time workers, the agreement on work should foresee the possibility of providing some rights typical of the employment relationship (refund of travel expenses, leaves, etc.).

¹² <https://www.ifc.org/content/dam/ifc/doc/2000/2007-general-ehs-guidelines-occupational-health-and-safety-en.pdf>

All project workers are entitled to fair treatment and protection from harassment and sexual harassment and abuse at work. The contracted party must install mechanisms that will protect the project worker from incidence of mistreatment. If it happens anyway, the grievance mechanism should be in place to enable the project worker to file grievances to a competent person within the company/institution and be informed on the actions taken subsequently in relation to his grievances, without prejudice to his/her right to seek judicial protection.

Adherence to law and good practice and a high level of integrity is expected from all participants in the project. The Borrower should make it clear in tender documentation that non-compliance with the national legislation, particularly the legislation regarding terms and conditions of employment, labor rights and occupational health and safety, may constitute the ground for termination of the contract with a contracted party and exclusion of that party from the project.

The Contractors will prepare labor management procedures in line with this labor management procedure and national labor code. The principles and procedures presented below represent minimum requirements, but are not an exhaustive list of requirements.

The following measures will be developed by the contractors and monitored by PIU and supervision consultant to ensure fair treatment of all employees:

- ❖ As per Labor Code requirements, recruitment procedures will be transparent, public and non-discriminatory with respect to ethnicity, religion, sexual orientation, disability, gender, and other grounds included in the Labor Code
- ❖ Applications for employment will be considered in accordance with the application procedures established by the contractors.
- ❖ Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- ❖ All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract. Terms and conditions of employment will be available at work sites.
- ❖ Unskilled labor will be preferentially recruited from the affected communities, settlements and municipalities.
- ❖ Employees will be informed at least two months before their expected release date of the coming termination.
- ❖ The contracted workers will not pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer ('Contractor').
- ❖ Depending on origin of the employer and employee the contracts will be developed in corresponding language understandable for both parties.
- ❖ In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulties with understanding the documentation.
- ❖ While communication language related problems are not expected, attention should be given to ensuring coordination between different contractors and means to address any language differences.
- ❖ Foreign workers will require residence permit, which will allow them to work in Uzbekistan.
- ❖ This will include in contracts that all contractor (and subcontractor) personnel must be of the age of 18 years or more.

If accommodations, other than collective work camps are provided for workers, Contractors will ensure that they are provided in good hygiene standards, with fresh drinking water, clean beds, restrooms and showers, clean bedrooms, good illumination, lockers, proper ventilation, safe electrical installation, fire and lightening protection, separate cooking and eating areas. There will be separate facilities provided for men and women.

The construction contractor will develop and implement its Code of Conduct. The contractor should also submit the Code of Conduct to supervision consultant for review and approval. The Code of Conduct will reflect the company's core values and overall working culture. The content of the Code of Conduct is included in the World Bank Standard Bidding Documents and will include provisions relating to GBV.

The contractors will be required to provide the periodic information on the performance in terms of labor, occupational health and safety issues. The information will be included in the construction contractor's monthly report and will be reviewed by the supervision consultant's team.

Monitoring

Monitoring of the above-mentioned measures will be conducted directly by PIU employees such as the Project Manager, HR specialist, and Lawyer, as well as by the contracted Consultants: Project Coordinators, Social Specialists, M&E specialists, and Regional Representatives.

OHS Reporting

Contractors should establish Occupational Health & Safety (OHS) Policy to guide the construction activities. Occupational Health & Safety measures will be the sole responsibility of the Contractors. A number of recommendations have been provided in the ESMP that include inspection programmes of H&S performance, incident reporting procedures, occupational H&S Plans and an Emergency Preparedness and Response Plan.

Supervision Consultant (on behalf of the PIU) will conduct periodic supervision of contractor's OHS performance, including site visits, at least monthly. These supervisions will cover compliance with above mentioned standards, accidents, violations, recommendations, and progress of ongoing corrective actions. The PIU will include in the contract(s) as requirement for contractors to report on issues such as number of accidents rates, near misses, severity rates, number of recurring non-compliances, violations, fatalities and serious injuries; and penalties for non-compliance.

The supervision consultant will review and approve contractors' safety plans and procedures.

The PIU will inform the Bank promptly about any incident or accident related to the project which has, or is likely to have a significant adverse effect on the environment, the affected communities, the public or workers (labor, health and safety, or security incident, accident or circumstance) as soon as reasonably practicable, but no later than three calendar days after the occurrence of the event. Such events can include strikes or other labor protests, serious worker injuries or fatalities, project-caused injuries to community members or property damage the PIU will prepare a report on the event and the corrective action and submit to the Bank within 30 calendar days of the event.

7. AGE OF EMPLOYMENT

In accordance with the Labor Code of the Republic of Uzbekistan, it is prohibited to use the labor of persons under the age of 18 for heavy work and work with harmful or hazardous working conditions and there are special requirements for leave, work hours, and other conditions of employment. Employer will ensure that no construction workers under 18 years are employed.

Under 18 years old employees are allowed to work in sectors with no health risks with the following reduced working hours: the employees aged 14 to 16 years old - no more than 24 hours a week, from 16 to 18 years old - no more than 36 hours a week.

The project will prohibit employment of anyone below the age of 18 and this will be enforced at recruitment and in daily staff team talks by Contractors. PIU will also supervise this through the Contractor Management Checklist. ID inspection and health checkup will be done to confirm age.

Contractors will be required to verify and identify the age of all workers. This will require workers to provide official documentation, which could include a birth certificate, national identification card, passport, or medical or school record. If a minor under the minimum labor eligible age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the minor in a responsible manner, taking into account the best interest of the minor.

If anyone under the age of 18 will not be allowed found working on the project, measures will be taken to immediately terminate the employment or engagement of the person in a responsible manner, considering the best interest of him/her.

8. TERMS AND CONDITIONS

The contractors' labor management procedure will set out terms and conditions for the contracted and subcontracted workers. These terms and conditions will be in line, at a minimum, with this labor management procedure, Uzbekistan Labor Code and General Conditions of the World Bank Standard Procurement Documents.

Terms and conditions of direct workers are determined by their individual contracts. Permanent project staff will have individual agreements (labor contract or service contract) with fixed monthly wage rates. All the recruiting procedures should be documented and filed in the folders in accordance to the requirements of labor legislation of the Republic of Uzbekistan. The terms and conditions of employment or engagement of the project worker must meet the inter alia the following standards:

- ❖ The project worker should in advance be clear about the job he/she is going to do and the wage/salary/fee he/she is going to receive.
- ❖ The project worker will be paid on a regular basis, at least once a month, or, if so agreed, upon the completion of specific activities, in accordance with the employment contract or engagement agreement.
- ❖ The project worker will work 8 or fewer hours a day, with payment of overtime.
- ❖ Any work longer than 8 hours is considered overtime work and the project worker should receive extra payment for the hours of overtime work. In any case, the project worker cannot work more than 12 hours a day.
- ❖ Any work is adjusted based on certain weathers to minimize OHS risks. Contractors must assess on a periodic basis and approved by the supervision engineer.
- ❖ The project worker is entitled to a daily rest of at least 11 hours within 24 hours.
- ❖ The project worker is entitled to a weekly rest of at least 24 consecutive hours.
- ❖ Average weekly hours of work in a six-month period cannot exceed 40 hours.
- ❖ The project worker is entitled to annual, sick, maternity and family leave, as required by the national legislation. Where the national legislation does not stipulate entitlement to leaves on any ground (i.e. temporary or seasonal work), the contracted party will provide the project worker, at his/her request, with a reasonable period of leave taking into consideration all the circumstances.
- ❖ An employment contract or engagement agreement, except in case of permanent employment, ends on the date of its expiry, unless both parties have agreed otherwise. In case of an early termination, a written notice will be submitted at least two months in advance. The termination of employment contract and payment of any related entitlements will be done in compliance with the national legislation.
- ❖ The third party will assess the risk related to specific jobs. Contractors will be responsible for taking preventive and protective measures to ensure a safe and healthy work environment and informing the project worker on all the relevant issues and conditions affecting his/her health and safety at work. The project worker will respect regulations relating to safety and protection of life and health at work in order not to put in danger his life and health or life and health of others.
- ❖ The third party will have to make effort to establish mechanisms that will prevent discrimination, harassment, sexual harassment and abuse at work and ensure equal treatment and equal opportunity for all. The service providers working in Uzbekistan should follow the procedure laid out by the national legislation regulating the area of discrimination, harassment and equal opportunity.
- ❖ The Contractor has obligation to provide OHS training, including tool-box meetings to all workers, adequate for their position and relevant to activities they perform. This is obligation of the Contractor to all his workforce.
- ❖ Project workers have the right to form or join union or other organizations of their choosing and to bargain collectively, in accordance with the national legislation. The employer (third party) will not interfere with the worker's right to choose the organization or opt for an

alternative mechanism to protect their rights regarding working conditions and terms of employment.

- ❖ The project worker will be able to raise his/her grievances using the grievance mechanism defined in Section 9.

9. GRIEVANCE MECHANISM

9.1. DESCRIPTION OF GRIEVANCE MECHANISM

The Labor Code of Ruz does not foresee grievance mechanisms as mandatory practice, but provides for judicial protection of employees in case of unfair or unlawful employment relationship practices instead. Any employee may refer to trade union or other representative labor organization for help in handling any disciplinary or grievance action. The Employer should not prevent any project worker from seeking assistance or advice in such situations.

A grievance mechanism is a procedure that provides a clear and transparent framework for addressing grievances related to the recruitment process and in the workplace. This typically takes the form of an internal procedure for complaints, followed by consideration and management response and feedback.

A grievance mechanism (GM) will be provided for all direct workers, and contracted workers to raise workplace concerns. Such workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against any reprisal for its use.

The project will use GM for the project workers, which is being established for the project in compliance with the objectives of ESS2. The GM with a step-by-step procedure for the Project workers consistent with the ESS2 will be described in the Project Operations Manual (POM).

Essentially, it will be at different levels. This GM is not same as the grievance mechanism to be established for project affected stakeholders. The Project workers' grievance mechanism will not prevent workers to use judicial procedure.

Grievance procedures should be tailored to meet the needs of the project, culture and workforce composition. The Grievance procedures may be included in collective agreements. A clause in a contractor-level collective agreement that establishes a mechanism for individual employees to bring an employment-related grievance, potentially through their trade union and/ or with trade union assistance, will be sufficient to meet ESS2.

GM will be accessible to all employees through various means (written, telephone, fax, social media etc). Grievance logbook will be maintained in the PIU office.

9.2. DIRECT WORKERS' GM STRUCTURE

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

The project will establish a step-by-step GM procedure for the Project workers consistent with the ESS2. Essentially, it will be at two levels. This GM is not same as the grievance mechanism to be established for project affected stakeholders.

GM will be accessible to all employees through various means (written, telephone, fax, social media etc.). Grievance logbook will be maintained in the PIU's office.

First - PIU's level. Direct workers can air their grievances to the PIU level. The project coordinator, specialists of the HR, legal support and office work department of the PIU are the first level for complaints related to violation of labor legislation in PIU, which is an integral part of the employee's employment contract, depending on the nature of the issue raised, will be responsible for the timely receipt, consideration of complaints, including problems related to violation of the employee's employment contract. Social Safeguards specialist of PIU local level will serve as Grievance Focal Point (GFP) to file the grievances and appeals. He/She will be responsible to coordinate with relevant departments/organization and persons to facilitate addressing these grievances. If the issue cannot be resolved at contractor's level within 14 working days, then it will be escalated to the PIU local level.

Second - CR level. The CR is the second level for handling complaints. For direct workers, there is a situation in which there is no response from the HR department, or if the answer is not satisfactory, then plaintiffs and feedback providers have the opportunity to contact the PIU director directly to continue on this issue. Social Safeguards specialist of PIU local level will serve as GFP to file the grievances and appeals of the project workers. He/She will be responsible to coordinate with relevant departments/organizations and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PIU level within in 5-10 days (and in case additional details are required, a maximum of 30 days will be used to resolve and close the complaint), then it will be escalated to the next level.

A special GM shall be conceived and housed by the PMU within Project. This GM shall both serve as workplace and dispute resolution instrument for direct workers and contracted workers in case that no GM exists with the third parties employing or engaging them. Grievance mechanisms should address workplace concerns specifying procedures as to whom a project worker should lodge the grievance, the time frame for receiving a response or feedback and steps to refer to a more senior level, while allowing for transparency, confidentiality and non-retribution practices.

If there is a situation in which there is no response from the PIU Local level, or if the response is not satisfactory then complainants and feedback providers have the option to contact the Focal Person (Social Safeguards specialist of PIU local level) indirectly to follow up on the issue.

The project worker is entitled to give suggestions, remarks and information regarding health and safety at work. He/she may refuse to work if his/her life or safety is endangered or if appropriate measures for provision of health and safety at work are not in place. The project worker may express his/her concern or raise grievances to the appointed OHS officer or through the workers' representative in the Health and Safety Council if such exists in the company.

The project workers should be informed on available grievance mechanisms upon their employment or engagement. The information should be made available together with the notification on prohibition of harassment and protection of whistle blowers.

9.3. CONTRACTED AND PRIMARY SUPPLY WORKER'S GM STRUCTURE

First - Contractor's level. Contractors should develop their own GM and resolve the grievances of contracted workers. Grievance Focal Point (GFP) assigned by the Contractor will file the grievances and appeals of contracted workers and will be responsible to facilitate addressing the grievances. If the issue cannot be resolved at contractor's level within 14 working days, then it will be escalated to the PIU local level.

Second - PIU level. Social specialist of PIU local level will serve as GFP to file the grievances and appeals of the project workers. He/She will be responsible to coordinate with relevant departments/organizations and persons to facilitate addressing these grievances. If the issue cannot be resolved at the PIU level within 5-10 working days, then it will be escalated to the next level.

If there is a situation in which there is no response from the PIU Local level, or if the response is not satisfactory then complainants and feedback providers have the option to contact the Focal Person indirectly to follow up on the issue.

9.4. GM PRINCIPLES

Contracted parties should demonstrate their willingness to implement these mechanisms, even if such requirement is not prescribed by any law of the domicile country. The Supervision Consultant will monitor the contractors' recording and resolution of grievances, and report these to PIU in their monthly progress reports.

The workers grievance mechanism will be described in staff induction trainings, which will be provided to all project workers. The mechanism will be based on the following principles:

- ❖ The process will be transparent and allow workers to express their concerns and file grievances.
- ❖ There will be no discrimination against those who express grievances and any grievances will be treated confidentially.
- ❖ Anonymous grievances will be treated equally as other grievances, whose origin is known.
- ❖ Management will treat grievances seriously and take timely and appropriate action in response.

Information about the existence of the grievance mechanism will be readily available to all project workers (direct and contracted) through notice boards, the presence of "suggestion/complaint boxes", and other means as needed.

The Project workers' grievance mechanism will not prevent workers to use conciliation procedure provided in the LL.

9.5. HANDLING SENSITIVE GRIEVANCES

Taking into account the standards regarding the prevention of sexual exploitation and abuse/sexual harassment (SEA/SH), which, in accordance with the requirements of the World Bank, must be observed in all projects financed by the World Bank, these standards will be observed and responsibilities take action to raise awareness on the prevention and suppression of SEA/SH. At all stages of the project implementation, all project staff and contractors will be informed about the understanding of the principles of control and prevention of risks of SEA/SH. The GM will ensure the access and confidentiality of the complaint mechanism, and will allow the complainant not to fear retaliation. These complaints will be investigated without undue delay, and all perpetrators will be held accountable. SEA/SH issues require some additional measures:

- ❖ Gender sensitivity will be sought in the employment of social safeguard specialist;
- ❖ Social safeguard specialists will be informed about SEA/SH issues;
- ❖ Establishment of a referral pathway.

In addition to the socio-cultural characteristics and non-violent communication ways in the training of workers, SEA/SH will also be on the agenda. Worker training and Codes of conduct will include the following information on SEA/SH:

- ❖ Definition of violence against women in national and international documents;
- ❖ Types of violence (physical, sexual, economic, emotional);
- ❖ Legal sanctions;

The grievance mechanism will be accessible and ensure the confidentiality of personal information.

Information activities will be carried out to inform women about the mechanism. The following types of information are presented in these information activities:

- ❖ Women's rights;
- ❖ Self-protection in cases of violence and sexual abuse;
- ❖ Emergency phone numbers;
- ❖ Contact information of the institutions and organizations they can apply to;
- ❖ Grievance mechanism and privacy policy;

The confidentiality principle of the grievance mechanism and protection of the survivors will be repeated in all information materials.

The project will utilize additional mitigation measures proportional to risk. The contractor will be responsible for developing the workforce management procedure, health, and safety plans as well as SEA/SH protocols which will apply to their own and subcontractor employees who work on the Project. These procedures and plans will be submitted to PIU for review and approval before the contractors are allowed to mobilize to the field of construction. All contractors will be required in the contract to commit against the use of child and forced labor, introduce mitigation measures against SEA/SH, and PIU staff in charge of contractor supervision will monitor and report the absence of forced labor and cases of SEA/SH. All personal data and complaints received by the GM will be treated in a confidential manner unless the complainant consents to the disclosure of their personal information. Especially, the confidentiality of sensitive issues and complaints related to SEA/SH raised by communities will be followed.

9.6. MONITORING AND REPORTING ON GRIEVANCES

The PIU will be responsible for:

- ❖ Analyzing the qualitative data on the number, substance, and status of complaints and uploading them into the project databases established by PIU;
- ❖ Monitoring outstanding issues and proposing measures to resolve them;
- ❖ Preparing reports on GM as a part of the project progress reports being shared with the WB.

Biannual reports to be submitted to the WB shall include a section related to GM which provides updated information on the following:

- ❖ Status of GM implementation (procedures, training, public awareness campaigns, budgeting, incident reporting protocol and etc.);
- ❖ Qualitative data on the number of received grievances (applications, suggestions, complaints, requests, positive feedback), highlighting a number of resolved grievances;
- ❖ Quantitative data on the type of grievances and responses, issues provided, and grievances that remain unresolved;
- ❖ Level of satisfaction by the measures (response) taken;
- ❖ Any correction measures taken.

9.7. GRM Levels

The PIU of CR will establish a simple and accessible Grievance Redress Mechanism (GRM). The GRM provides a number of avenues and levels for grievance resolution and appeals process.

The main objective behind project specific grievance mechanism is to ensure timely and user-friendly solution to the complaints received from the project affected persons (PAP). However, the Project Grievance Redress Mechanism does not prevent any affected household to approach the national/ Government legal system to resolve their complaints at any stage of the grievance redress process. The PAPs can address their complaints to the courts at any time and not only after using the GRM.

1. Level 1 (Contractor / Mahalla / Village Assembly). Under this project grievance redress mechanism, complaints can be submitted to Contractor, Mahalla, Village Assembly of Citizens, Farmer Councils, and Women Association at the first level. The Contractor or mahalla/village assembly will try to resolve or clarify the issue within 2 weeks. Unresolved issues will be referred to the district hokimiyat Grievance Focal Point (GFP).
2. Level 2 (District Hokimiyat). In case, complaint is submitted to the GFP, the GFP will establish a contact with the CR and its PIU, mahalla and other bodies such as village assembly of citizens, farmers councils of which AH are members and will try to resolve the issue.
3. Level 3 (Project Implementation Unit). The CAR through its PIU on a regular basis will check with the GFP whether any complaint is received by GFP. The PIU, on receipt of a complaint from GFP or any other local bodies, will immediately take the following actions:
 - (i) Will inform the complainant within 2 days
 - (ii) Inform WB;
 - (iii) Establish complaint handling team with members Head of PIU, representatives from CR area representative office, District Hokimiyat. The team will be headed by one of the CR management staff designated for handling grievances of the project.
 - (iv) The team will consult the complainant and gather complainant's concerns;
 - (v) All complaints will be resolved in 5-10 days, and in case additional details are required, a maximum of 30 days will be used to resolve and close the complaint.
 - (vi) If complaint is not resolved by Project Grievance Mechanism Team, the PIU will inform WB office and District Hokimiyat regarding the same.
4. Level 4 (Provincial Hokimiyat). If a grievance is not resolved within 30 days, the complainants or her/his representative can submit its complaint to the provincial hokimiyat. The Provincial hokimiyat will also have 15 calendar days to resolve the complaint.
5. Level 5 (Court). If the complaint is still unresolved, the complainant can submit his/her complaint to the appropriate court of law.

The grievance mechanism applies equally to affected households who wish to seek grievance in project district. When reference is made to the Mahalla, it is to the Mahalla that the affected households is a member of. In massives where affected households are not members of a specific Mahalla, the Village Assembly of Citizens or Farmer Councils, or Women Association can play a role similar to that of Mahalla. The district refers to the district that has administrative jurisdiction over the Mahalla of the affected households.

The PIU will be responsible for recording the complaint, the step taken to address grievance, minute of the meetings, and preparation of a report for each complaint. The complaint handling process will be reported to WB through the project implementation report.

9.8. GRM Responsibilities

The PIU has the main responsibility for the implementation of the GRM. The GRM Team within the PIU consists of the Environmental Safeguard Specialist, Social Development Specialist and the Project Coordinator, related day-to-day tasks rest specifically with the Social Development Specialist (SDS).

The grievance mechanism implementation team shall be comprised of the HSE Managers from Contractor and the CLO. Clear lines of responsibility and accountability will be established within the implementation team.

It is important that all members of the team are adequately trained in stakeholder engagement. It is important that the CLO be a local person, who is fluent in Uzbek and familiar with the local customs.

Table 6: Responsibilities for managing grievances

Entity	Responsibilities for managing grievances
CAR / PIU	❖ Main responsibility for the implementation of the GRM for all direct workers and contracted workers; ❖ Ensure GRM is integrated into the overall project management process. ❖ Coordination between all project participants and management of the complaints process; ❖ Management and resolution of grievances; ❖ Management of Project Information Centre; ❖ Analysis of complaint statistics and preparation of reports. Develop recommendations to improve GRM performance. ❖ Monitor the effectiveness of the grievance process and make alterations to improve its effectiveness where required. ❖ Main responsibility for the implementation of the GRM in Operational Phase.
PIU Social Safeguards specialist	❖ Receive direct workers complaints and concerns and record them in a database. ❖ Resolve complaints and concerns as appropriate ❖ Monitor any resolutions to grievances to ensure they are implemented.
CSC	❖ Responsible to create awareness of the GRM; ❖ Prepare and man help desks at project sites; ❖ Run a suggestion box at the project site ❖ To provide their full support during the process of the Company investigating and resolving any grievances that occur.
Contractor	❖ Implementation and compliance with internal and external GRM procedures at construction sites, including cases of GBV/SEA/SH; ❖ Regular reporting of complaints received and actions taken; ❖ Nominate a dedicated Community Liaison Officer (CLO) for the handling and reporting of grievances; ❖ Ensure that the CLO has the necessary resources and personnel required to meet the commitments of the Grievance Mechanism (GM). Support the resolution of grievances by conducting investigation of serious grievances and proposing appropriate resolutions to those grievances; ❖ To receive and register all incoming grievances into the Grievance Registration Book (grievance logbook and central grievance excel-sheet). ❖ To analyze the grievances in order to understand the nature of grievances and an appropriate way to deal with them; ❖ To categorize all incoming grievances;

		❖ To refer the analyzed grievances to the related committees/entities for resolution, and complainants, if they wish to come forward, should be able to explain; ❖ To follow up on the grievances with the responsible committees/entities to speed up the process and reach the result (timeline based;) ❖ To hold periodic Grievance Redressal Committee meetings, as required ❖ To feed the result back to the complainant; ❖ To check the complaints box and address the incoming complaints.
Contractor's Community Officer (CLO)	Liaison	❖ Raise awareness of the GM and distribute copies of the GM leaflet and forms. ❖ Receive community complaints and concerns and record them in a database. ❖ Ensure that grievances raised are used to improve the Project's environmental and social performance in the future, so that similar grievances to not re-occur over time. ❖ Provide practical assistance to people seeking to raise a grievance, so that they are able to complete a Grievance Form. ❖ Provide information about the grievance mechanism to community stakeholders. ❖ Inform management of concerns and complaints received by the grievance mechanism. ❖ Work with operations staff to notify community members of activities that may lead to community concerns or complaints before the company undertakes the activities. ❖ Work with staff tasked with community engagement to understand community issues before, during, and after community engagement events. ❖ Send information to the Company E&S Manager, copies of completed Grievance Forms so that the Grievance Register can be updated. ❖ Support the investigation and resolution of grievances in close coordination with other concerned parties, including the person/group raising the concern.
World Bank		❖ Ensure compliance with international standards and requirements for social and environmental management. ❖ Conducting audits and inspections.

9.9. Grievance Mechanism Contact Details

The following details will be provided to the stakeholders in order to be able to submit their grievances or comments regarding the proposed Project.

Table 7: Stakeholder Engagement - Grievance Mechanism Contact Details

Pre-Construction Phase	
Project Phone Line	Phone +998 71 286 11 84
Project E-mail	ctsi.project.uzb@gmail.com
Official Letter Address	Mustakillik avenue 68A, Tashkent, Uzbekistan
Contact person	Mr. Jahongir Karimov, Director
Contractor (Construction Phase)	
Contractor CLO	Contact details to be confirmed CLOs will collect grievances during public and individual meetings, through phone calls, e-mails, etc. and manage them as per Project SEP. Where required, CLOs will help stakeholders on how to fill in grievance forms.

Grievance forms and boxes	Grievance forms and boxes will be placed in all mahallas affected from Project and at relevant work sites.
Operation and Management office of CAR (Operation phase)	
Operation and Management office of the CAR	Contractor - Contact details to be confirmed Social Manager will collect grievances during stakeholder meetings, through phone calls, e-mails, etc. and manage them as per Project SEP.
Project Owner Social Manager	Social Manager will collect grievances during stakeholder meetings, through phone calls, e-mails, etc. and manage them as per Project SEP.
Country complaint handling system	
District hokimiyat	Hokimiyat of Dzharkurgan, Kumkurgan and Termez districts
Provincial hokimiyat	Hokimiyat of Surkhandarya region
National level	Virtual reception of the President of the Republic of Uzbekistan ❖ By calling the phone number 0-800-210-00-00 or the short number 10-00; ❖ By using the online portal and filling out a special request form on the website pm.gov.uz; ❖ By visiting the People's Reception Office. The address of the 14 People's Reception offices in each district of the Surkhandarya region are provided on its site.

The CSC, Contractor and O&M Company's contact details will be confirmed before the commencement of the construction and operational phases as applicable

9.10. WORLD BANK GRIEVANCE REDRESS SYSTEM

Communities and individuals who believe that they are adversely affected by a project supported by the World Bank may also complaints directly to the Bank through the Bank's Grievance Redress Service (GRS) (<https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>). A complaint may be submitted in English, Uzbek or Russian, although additional processing time will be needed for complaints that are not in English. A complaint can be submitted to the Bank GRS through the following channels:

- ❖ By email: grievances@worldbank.org
- ❖ By fax: +1.202.614.7313
- ❖ By mail: The World Bank, Grievance Redress Service, MSN MC10-1018, 1818 H Street Northwest, Washington, DC 20433, USA
- ❖ Through the World Bank Uzbekistan Country Office in Tashkent: 107B Amir Timur Street, Block C, 15th floor, 100084, Tashkent, Uzbekistan, tashkent@worldbank.org, Tel. +998 71 120-2400.

The complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank-supported project. This should be supported by available documentation and correspondence to the extent possible. The complainant may also indicate the desired outcome of the complaint. Finally, the complaint should identify the complainant(s) or assigned representative/s and provide contact details. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project-related concerns.

In addition, project-affected communities and individuals may submit complaints to the World Bank's independent Inspection Panel, which will then determine whether harm occurred, or could occur, as a result of the World Bank's non-compliance with its policies and procedures.

Complaints may be submitted to the Inspection Panel at any time after concerns have been brought directly to the World Bank's attention, and after Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

10. CONTRACTOR MANAGEMENT

Any contracts will include provisions related to labor and occupational health and safety as provided in the World Bank Environmental and Social Framework, Standard Procurement Documents and Uzbekistan legislation.

The PIU will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts, and these include labor and occupational, health and safety requirements and will make reference to this LMP. The PIU shall ensure that the contractors are legitimate and reliable entities, and that any written labor procedures the contractors have in place are in compliance with this Procedure. As part of the selection process the PIU may review the following information:

- ❖ Information in public records, for example, corporate registers and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies;
- ❖ Business licenses, registrations, permits, and approvals;
- ❖ Documents relating to a labor management system, including OHS issues, for example, labor management procedures.

While during the implementation of the Contracts the following shall be reviewed:

- ❖ Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- ❖ Workers' certifications/permits/training to perform required work;
- ❖ Records of safety and health violations, and responses;
- ❖ Accident and fatality records and notifications to authorities;
- ❖ Records of legally required worker benefits and proof of workers' enrollment in the related programs;
- ❖ Worker payroll records, including hours worked and pay received;
- ❖ Copies of previous contracts with contractors and suppliers, showing the inclusion of provisions and terms reflecting ESS2.

The contracts with selected contractors will include provisions related to labor and occupational health and safety, as provided in the World Bank SPD and Uzbek law.

The Supervision Consultant will manage and monitor the performance of Contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties). This may include periodic audits, inspections, and/or spot checks of project locations or work sites and/or of labor management records and reports compiled by contractors. Contractors' labor management records and reports may include: (a) a representative sample of employment contracts or arrangements between third parties and contracted workers; (b) records relating to grievances received and their resolution; (c) reports relating to safety inspections, including fatalities and incidents and implementation of corrective actions; (d) records relating to incidents of non-compliance with national law; and (e) records of training provided for contracted workers to explain labor and working conditions and OHS for the project.

Labor management records and reports that may be reviewed would include: representative samples of employment contracts or arrangements between third parties and contracted workers, records relating to grievances received and their resolution, reports relating to safety inspections, including fatalities and incidents, and implementation of corrective actions, records relating to incidents of non-compliance with national law, and records of training

provided for contracted workers to explain occupational health and safety risks and preventive measures.

The Conditions of Contract for each Contractor shall include the right to terminate the Contract should the Contractor fail, within the reasonable time given, to comply with any Notice to Correct related inter alia to compliance with the Labor Code of RUz, OHS laws and regulations and this LMP.

11. PRIMARY SUPPLIERS

The extent in which the Projects procurement will rely on suppliers supplying goods and materials on an ongoing basis is currently only estimated. However, for any supply chain adequate management systems and controls must be in place to ensure compliance with the National law and the requirements of ESS1, ESS2 (in the area of child labor, forced labor and serious safety issues which may arise in relation to primary suppliers).

Third parties i.e. Contractors will be required to ensure their Suppliers comply with the national law and to ensure that Employees of any Suppliers or subcontractors are adequately trained on the requirements covered in the law. This will be ensured by having the Primary suppliers sign a statement of compliance confirm that they adhere to the national requirements regarding labor and working conditions and these LMP as applicable. The selection process of primary Suppliers will ensure that they are reputable companies with evidenced positive track record in social performance including zero tolerance for child and forced labor. They will further need to be able to prove and provide evidence of the procedures in place to assess and manage OHS related risks.

The PIU reserves the rights to verify compliance with the requirements set by a combination of mechanisms including but not limited to self-assessments, surveys, site-visits or audits. Relevant Records must therefore maintain relevant records to demonstrate compliance and if necessary, allow access to their own and their Suppliers' and subcontractors' premises for authorized representatives of the PIU and/or the supervision consultant. In case the Primary Supplier fails to demonstrate conformance and compliance to the national law and this LMP in the area of child and forced labor and serious safety risks, the PIU will submit through the Contractor a Notice -to-correct the non-compliance with immediate effect. Should the Primary Supplier fail to comply within the time specified in the Notice or should the PIU assess that such remedy is not possible, the project s primary suppliers shall be shifted to those that can demonstrate compliant labor management and performance.

Once the Project advances the provisions of the LMP covering management of labor and working condition risk of Primary Suppliers shall be expanded and updated and based on the findings of the assessment detailed procedures established and included in the revised document.

ANNEX 1. THE CONTENT AND TEMPLATE OF CODE OF CONDUCTS

CODE OF CONDUCT

MINIMUM REQUIREMENTS FOR THE CODE OF CONDUCT

A minimum requirement for the Code of Conduct should be set out, taking into consideration the issues, impacts, and mitigation measures identified in:

- Site specific ESF instruments e.g. ESIA/ESMP
- consent/permit conditions
- required standards including World Bank Group EHS Guidelines
- national legal and/or regulatory requirements and standards (where these represent higher standards than the WBG EHS Guidelines)
- relevant standards e.g. Workers' Accommodation: Process and Standards relevant sector standards e.g. workers accommodation
- grievance redress mechanisms.

The types of issues identified could include. risks associated with: labor influx, the spread of communicable diseases, sexual harassment, gender-based violence, illicit behavior and crime, and maintaining a safe environment etc.

The minimum Code of Conduct requirement may be based on the following:

CODE OF CONDUCT REQUIREMENTS

A satisfactory code of conduct will contain obligations on all project staff (including sub-contractors and day workers) that are suitable to address the following issues, as a minimum. Additional obligations may be added to respond to particular concerns of the region, the location and the project sector or to specific project requirements. The issues to be addressed include:

- Compliance with applicable laws, rules, and regulations of the jurisdiction
- Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
- The use of illegal substances
- Non-Discrimination (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
- Interactions with community members (for example to convey an attitude of respect and non-discrimination)
- Sexual harassment (for example to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
- Violence or exploitation (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
- Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)
- Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)
- Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- Respecting reasonable work instructions (including regarding environmental and social

- norms)
- Protection and proper use of property (for example, to prohibit theft, carelessness or waste)
- Duty to report violations of this Code
- Non retaliation against workers who report violations of the Code, if that report is made in good faith.

The Code of Conduct should be written in plain language and signed by each worker to indicate that they have:

- received a copy of the code;
- had the code explained to them;
- acknowledged that adherence to this Code of Conduct is a condition of employment; and
- understood that violations of the Code can result in serious consequences, up to and including dismissal, or referral to legal authorities.

CODE OF CONDUCT TO BE ADHERED BY CONTRACTORS

Code of Conduct for Contractor's Personnel (ES) Form

CODE OF CONDUCT FOR CONTRACTOR'S PERSONNEL

We are the Contractor, [enter name of Contractor]. We have signed a contract with [enter name of Employer] for [enter description of the Works]. These Works will be carried out at [enter the Site and other locations where the Works will be carried out]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, laborers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as "Contractor's Personnel" and are subject to this Code of Conduct.

This Code of Conduct identifies the behavior that we require from all Contractor's Personnel.

Note:

The minimum content of the Code of Conduct form as set out by the Employer shall not be substantially modified. However, the Contractor may add requirements as appropriate, including to take into account Contract-specific issues/risks.

Our workplace is an environment where unsafe, offensive, abusive or violent behavior will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

REQUIRED CONDUCT

Contractor's Personnel shall:

- carry out his/her duties competently and diligently;
- comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
- maintain a safe working environment including by:

- ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
 - wearing required personal protective equipment;
 - using appropriate measures relating to chemical, physical and biological substances and agents; and
 - following applicable emergency operating procedures.
- report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
- treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
- not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;
- not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
- not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
- not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
- complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
- report violations of this Code of Conduct; and
- not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

RAISING CONCERNS

If any person observes behavior that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly. This can be done in either of the following ways:

1. Contact [enter name of the Contractor's Social Expert with relevant experience in handling sexual exploitation, sexual abuse and sexual harassment cases, or if such person is not required under the Contract, another individual designated by the Contractor to handle these matters] in writing at this address [] or by telephone at [] or in person at []; or
2. Call [] to reach the Contractor's hotline (if any) and leave a message.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action. We will provide warm referrals to service providers that may help support the person who experienced the alleged incident, as appropriate.

There will be no retaliation against any person who raises a concern in good faith about any behavior prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

Any violation of this Code of Conduct by Contractor's Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

FOR CONTRACTOR'S PERSONNEL:

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [enter name of Contractor's contact person(s) with relevant experience] requesting an explanation.

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

ATTACHMENT A: Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors and behaviors constituting Sexual Harassment (SH)

ATTACHMENT A TO THE CODE OF CONDUCT FORM

BEHAVIORS CONSTITUTING SEXUAL EXPLOITATION AND ABUSE (SEA) AND BEHAVIORS CONSTITUTING SEXUAL HARASSMENT (SH)

The following non-exhaustive list is intended to illustrate types of prohibited behaviors

(1) Examples of sexual exploitation and abuse include, but are not limited to:

- A Contractor's Personnel tells a member of the community that he/she can get them jobs related to the work site (e.g. cooking and cleaning) in exchange for sex.
- A Contractor's Personnel that is connecting electricity input to households says that he can connect women headed households to the grid in exchange for sex.
- A Contractor's Personnel rapes, or otherwise sexually assaults a member of the community.
- A Contractor's Personnel denies a person access to the Site unless he/she performs a sexual favor.
- A Contractor's Personnel tells a person applying for employment under the Contract that he/she will only hire him/her if he/she has sex with him/her.

(2) Examples of sexual harassment in a work context

- Contractor's Personnel comment on the appearance of another Contractor's Personnel (either positive or negative) and sexual desirability.
- When a Contractor's Personnel complains about comments made by another Contractor's Personnel on his/her appearance, the other Contractor's Personnel comment that he/she is "asking for it" because of how he/she dresses.
- Unwelcome touching of a Contractor's or Employer's Personnel by another Contractor's Personnel.

A Contractor's Personnel tells another Contractor's Personnel that he/she will get him/her a salary raise, or promotion if he/she sends him/her naked photographs of himself/herself.