

FEDERAL GOVERNMENT OF SOMALIA



**MINISTRY OF COMMUNICATION AND TECHNOLOGY
(MOCT)**

LABOR MANAGEMENT PROCEDURES (LMP)

**EASTERN AFRICA REGIONAL DIGITAL INTEGRATION PROJECT (EA-
RDIP) SERIES OF PROJECTS (SOP) PHASE I**

JANUARY 2023

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LIST OF ACRONYMS

BSSF	Business Support Services Firm
CII	Critical Information Infrastructure
ERT	Emergency Response Team
CSO	Civil Society Organization
CMM	Cybersecurity Maturity Model
CoC	Code of Conduct
DPA	Data Protection Authority
EA-RDIP	East African Regional Digital Integration Project
ESS	Environmental and Social Standards
EHS	Environmental Health and Safety
ESF	Environmental Social Framework
EHSO	Environment Health and Safety Guidelines
FRS	Federal Republic of Somalia
FM	Financial Management
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
GO	Grievance Officer
GIIP	Good Guidelines Industry Practice
ILO	International Labor Organization
IDP	Internally Displaced Persons
LMP	Labor Management Plan
M&E	Monitoring and Evaluation
MoCT	Ministry of Information communication and Technology
NTTI	National Telecoms Training Institution
OPGW	Optical Ground Wire
OHS	Occupational Health and Safety
PIU	Project Implementation Team
RE	Resident Engineer
SEA	Sexual Exploitation Abuse
SOC	Security Operation Centre
TA	Technical Assistant

EXECUTIVE SUMMARY

Somalia has essentially been a failed state since the collapse of the central administration in 1991 following a protracted civil war. The country has experienced chronic food insecurity, widespread violence, and recurring droughts and floods. The social costs of war have been enormous, leaving Somalia with some of the lowest human development indicators in the world. For Somalia well-designed telecommunications and digital infrastructure are essential for fostering employment and entrepreneurship. There are great prospects for the wider use of digital technologies in other sectors, including education, agriculture and financial services. With the help of its international partners, Somalia is now forging a promising path forward, after years of state failure and conflict. The creation of regional states, rebuilding of institutions, and positive re-engagement with the international community point to a brighter future for the country and the region.

Helping Somalia achieve universal broadband penetration by 2030 falls within the World Bank's Digital Economy for Africa Initiative (DE4A), which recognizes that the digital economy can help accelerating achieving the SDGs and reducing poverty. The Bank is working with the Somali government to prepare the East Africa Regional Digital Integration Project (EA-RDIP). This Labor Management Procedures (LMP) has been developed to identify and manage risks associated with labor and working conditions in relation to Somalia under the EA-RDIP project. It identifies labor requirements in line with applicable national laws and standards, and sets out the procedures for addressing labor conditions and risks associated with the EA-RDIP in line with the World Bank's Environmental and Social Standards (ESS) on Labor and Working Conditions (ESS2) and Community Health and Safety (ESS4).

The LMP is developed at this stage of the project although the scale and exact locations of project activities to be implemented under this component are not yet determined. Details of the investments will be determined when the relevant feasibility studies and environmental and social studies are conducted during the detail design phase. An overview of labor use and characterization of the project has been provided. In light of the infrastructure development and related project activities, it is anticipated that the key labor and worker-related risks and impacts associated with Project include: sexual Exploitation and abuse (SEA) among project workers, as well as between project workers and local communities, transmission of HIV/AIDS, COVID-19 and other communicable diseases among project workers and between project workers and local communities, noting that each of these risks could be exacerbated by labor influx, occupational health and safety risks for project workers, employer violations of workers' terms and conditions of employment, child labor and forced/trafficked labor, as well as security risks to project workers and local communities related to fragility, conflict and violence in areas where project infrastructure and related activities are undertaken, as well as possible abuses perpetrated by project security forces against project workers and local communities. , The World Bank has rated the overall Environment and Social risk of the project

as High, which indicates a high likelihood of adverse impacts associated with project implementation.

The High-risk rating for Social indicates that the project could generate a wide range of significant adverse risks and impacts on the health and safety of the project labor force and affected communities, which could be long-term and of high magnitude, due to the complex nature of the project operating in an environment of social unrest and high socio-political security risks. The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force. The purpose of the LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

The LMP sets out policies and procedures governing the following:

- Responsible staff,
- Policies and procedures
- Age of Employment
- Terms and conditions
- Grievance mechanism.
- Contractor management,
- Primary supply workers.

Roles and responsibilities for implementing the LMP has also been documented in line with the project structure for implementing the EA-RDIP. In line with ESS2, the LMP establishes a grievance redress mechanism specifically for project direct and contractor workers to submit workplace-related complaints, including for workplace sexual harassment, and also establishes a procedure to guide development of site-specific labor management plans by contractors.

The LMP will be applied to all types of workers that will be employed by the EA-RDIP Project Implementation Unit (PIU), contractors, sub-contractors and labor supply contracting agencies. Adhering to these procedures, contractors will be required to prepare and implement the Labor Management Plan. All foreign workers engaged/employed in relation to the project will be required to have work permits allowing them to work in The Federal Republic of Somalia. The project has established a minimum age of 18 years for all direct and contracted workers employed/engaged in relation to this project.

CHAPTER 1: INTRODUCTION

1.1 Project Information

Somalia, with a population of about 16 million in 2022, and with one of the highest rates of urbanization in Africa, has long sought to make advances in the digital economy. At the start of 2022, 47.3 percent of Somalia's population lived in urban centres, while 52.7 percent lived in rural areas. Somalia's gross domestic product (GDP) per capita has consistently been ranked among the five lowest in the world throughout the last decade: in 2020 it was the second lowest in the world (only Burundi had a lower GDP per capita in 2020). The World Bank estimated GDP per capita for 2021 was 446 US dollars. This translates into well below the international poverty line of 1.90 US dollar a day and the target for Sustainable Development Goals (SDG1): eradicate extreme poverty. Through the East Africa Regional Digital Integration Project (EA-RDIP), the Federal Republic of Somalia will benefit from USD 100 million to support a series of projects (SOPs) towards establishing a regional connectivity market, regional data market, and regional online and digital market. The Project Components are summarized in **Table 1** below.

Table 1: Project Components

Component	Sub-component	Description
Component 1: Connectivity market development and integration	Sub-component 1.1: Cross-border and backbone network connectivity	This subcomponent will support the deployment of key missing cross-border and backbone fiber links to improve the resilience, coverage, and integration of regional and national connectivity networks. It will support the deployment of up to 4,600 km of new fiber along prioritized backbone network routes, including connecting the three main cable landing stations (Mogadishu, Bossaso, and Berbera) and major population centers, as well as establishing new cross-border links to Kenya and Ethiopia. The fiber is likely to be deployed in phases, starting in the north, where the security context is more permissible, and adapting to the evolving security context. Gap financing will be provided for the deployment of related routes, using a range of modalities to crowd in private sector financing. Commercial providers are expected to co-finance, design, build, and operate network infrastructure deployed on an open access basis and at reasonable rates to support affordable service expansion and competition.
	Sub-component 1.2: Last mile connectivity including in borderland areas	This sub-component will providing catalytic funding to unlock further infrastructure deployment in unserved or underserved areas, which are highly correlated with higher poverty levels and climate vulnerability (including in refugee/IDP camps and their host communities, located in rural and borderland areas) and to connect public institutions along fiber route. Infrastructure financed will be deployed using a range of modalities, including reverse auctions, bulk purchase of capacity ⁸¹ and/or licensing arrangements, that aim to maximize private sector financing.
	Sub-component 1.3: Enabling legal, regulatory and institutional ICT	This subcomponent will strengthen existing ICT frameworks and boost regulatory maturity to effectively spearhead the connectivity agenda and universal services targets through the development of new strategic, policy and regulatory instruments.

	environment	
Component 2: Data market development and integration	Sub-component 2.1: Cybersecurity frameworks, infrastructure and capacity	This sub-component will strengthen local capacity to effectively detect, respond to and mitigate evolving cyber threats and cybercrimes as well as support implementation of forthcoming cybersecurity legal and strategic frameworks.
	Sub-component 2.2: Data exchange, governance and protection	This subcomponent will support investments in enabling data infrastructure and governance frameworks that facilitate cost-effective and secure data storage, processing and sharing.
Component 3: E- service market development and integration	Sub-component 3.1: Digital cross- border trade, payment and service enablers.	This subcomponent aims to enhance readiness to expand digitally enabled cross-border trade and service delivery, by introducing key enablers.
	Sub-component 3.2: Regional research and education networks (RENs), and training for digital skills.	This subcomponent will support the development of the digital skills base through support for SomaliREN, and new digital skills training programs.
Component 4: Project Management and Implementation Support	n/a	This component will finance key project management functions, including procurement, FM, M&E, communications as well as ESF compliance, with a particular emphasis on addressing the high security- and GBV-related risks associated with the deployment of infrastructure and civil works, including. It will finance the establishment and operations of (i) the main Project implementation Unit (PIU) at MOCT, at federal government level; (ii) coordination with FMS via dedicated focal point/coordinators, and the establishment of a PIU in Somaliland; and (iii) coordination with the regional PIU at IGAD level.

1.1 Project Implementation Arrangements

Regional Economic Communities (REC) activities will be implemented through two regional PIUs – at the Planning Directorate under the East Africa Community (EAC) and at the Trade Department under the Intergovernmental Authority on Development (IGAD). The regional PIU will be responsible for overall implementation and coordination of project activities at regional level. At EAC, project implementation will leverage the procedures and structures, expanded as needed, of an existing PIU within the EAC Secretariat previously established under the *Eastern Africa Regional Statistics Program for Results* (P176371). At IGAD, project implementation will also leverage an existing PIU within the Trade Department – likely the Project Implementation Unit (PIU) established under the *Food Systems Resilience Programme for Eastern and Southern Africa* (P178566). This will allow the project to leverage existing implementation capacity, including familiarity of World Bank processes.

In Somalia, a dedicated PIU will be established and maintained within Ministry of Communications and Technology (MoCT), which will serve as the main implementing agency in Somalia. A PIU will be established within the MoCT, which has a prior track-record of World

Bank project implementation under the two phases of the *ICT Sector Support in Somalia Project* (P148588, P152358), which were completed with a “Satisfactory” rating. The PIU will include a Project Coordinator, one FM Specialist, one Procurement Specialist, one M&E Specialist, one Environment Specialists, one Social Specialist and Technical Specialists with subject matter expertise in areas such as connectivity infrastructure. **Table 2** below provides details of implementation arrangements

Table 2: National Level Implementation Arrangements

	SOMALIA	
	New PIU at MoCT: MoCT has a prior track-record of World Bank project implementation under the two phases of the ICT Sector Support in Somalia Project (P148588, P152358), which were completed with a “Satisfactory” rating.	
	Members: Recruitment or appointment of one Project Coordinator, FM Specialist ¹ , Procurement Specialist, M&E Specialist, Environment Specialist, Social Specialist, Security Advisor, one Gender Based Violence/Gender Specialist (if needed) and Technical Specialists with subject matter expertise in areas such as connectivity infrastructure, data governance. The Project Coordinator, Procurement and FM specialists will be hired by effectiveness. Other roles are expected to be hired no later than three months after effectiveness.	
PIU	Note: the PIU in Somalia will also be supported by focal point/coordinators for all Federal Member States (FMS), and a subsidiary PIU will be established in Somaliland consisting of a Project Coordinator, FM Specialist, Procurement Specialist, E&S Specialists to be recruited and/or appointed ² for disbursement of funds to Somaliland on the basis of a signed subsidiary agreement	
	Responsibilities: The PIU will be primarily responsible for project implementation, including overseeing core project-related fiduciary functions, M&E and E&S commitments. It will also act as the single point of contact for the regional PIU at IGAD and EAC to facilitate collaboration on designing and implementing specific activities. The PIU will submit project reporting to a PSC as well as to the World Bank and engage with the TC(s) on specific matters requiring technical expertise/input on an ad-hoc basis. The detailed composition and role of the PIU will be set forth in the individual country PIMs ³ .	
PSC	Chair: Minister, MoCT Vice-Chair: State Minister, MoCT Secretary: PIU Project Coordinator Members: Representatives from MoCT, NCA, Ministry of Finance (MoF), Ministry of Commerce and Industry (MoCI), and Ministry of Planning (MoP), with additional Ministries, Department and Agencies (MDA) and FMS invited on an as needed basis, as well as members of the regional PIU at IGAD	Chair: Deputy Minister of MICT&PS Vice-Chair: Undersecretary, MICT&PS Secretary: PIU Project Coordinator Members: Representatives from MICT&PS, NCA, International Gateway, USAF, Ministry of Finance and Planning, Ministry of Roads and Bridges, Ministry of Transportation, Ministry of Higher Education, and Ministry of Trade and Industry as well as members of the regional PIU at IGAD and EAC
	Responsibilities: (a) approval of the AWPB; (b) biannual review of project progress; (c) review of procurement evaluations and approval; and (d) provision of strategic guidance and recommendations to the PIU and the TC(s) related to project implementation. The Terms of Reference (ToR) for the PSC, including the required participants for quorum, will be detailed further in the national PIMs, to be prepared before effectiveness.	
TCs	Members: MoCT, NCA, MoCI, the National Identification and Registration Authority (NIRA), Ministry of Environment, Ministry of Education, and Ministry of Public Works and	Members: Representatives from MICT&PS, NCA, International Gateway, USAF, Ministry of Finance and Planning, Ministry of Roads and Bridges, Ministry of Transportation, Ministry of Higher Education, and

¹ In Somalia, this may be a seconded Accountant from the Office of the Accountant General, rather than external recruitment of FM Specialist.

² E&S resources may for example be shared with other WB-financed project.

³ These are expected to be prepared before project effectiveness.

	FMS	Ministry of Trade and Industry as well as members of the regional PIU at IGAD and EAC
	Responsibilities: TCs will convene participation from the private sector and civil society as well as from relevant agencies deemed key to facilitating successful implementation and stakeholder management to support any technical-level decisions that require broader agreement, resolve operational issues or facilitate M&E and supervision. The PIU will interact with TC(s) on an ad-hoc basis, and the TC(s) will report to the PSC. The ToRs for the TC(s), some of which may have only a short duration, as dictated by project implementation timelines, will be detailed further in the country level PIMs.	

Figure 1 below provides implementation arrangement diagram

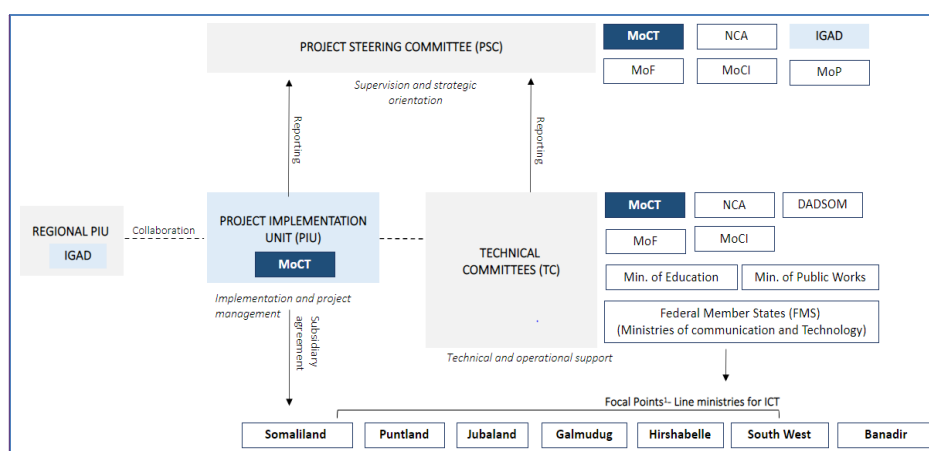


Figure 1 Implementation arrangements, Somalia

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CHAPTER 2: OBJECTIVES AND SCOPE OF THE LMP

The objective of preparing Labor Management Procedures (LMP) is to identify and manage risks associated with labor and working conditions under the East Africa Regional Digital Integration Project (EA-RDIP). It identifies labor requirements in line with applicable national laws, standards and sets out the procedures for addressing labor conditions and risks associated with the EA-RDIP in line with the World Bank Environmental and Social Standard (ESS) 2 on Labor and Working Conditions (ESS2) and ESS4 on Community Health and Safety.

The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force. The purpose of the LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project. The LMP provides an overview of Labor use in relation to the project, assesses the potential Labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the EA-RDIP, establishes a dedicated grievance mechanism for project workers, and provides procedures to guide development of site-specific Labor management plans by contractors.

The LMP sets out policies and procedures governing the following:

- Application of the national Labor legal frameworks and ESS 2: Labor and Working Conditions on the Project
- Overview of Labor Use on the Project
- Responsible staff
- Policies and procedures
- Age of Employment
- Terms and conditions
- Grievance mechanism
- Contract management
- Primary supply workers
- Assessment of Key Potential Labor Risks
- Brief Overview of Labor Legislation: Terms and Conditions
- Brief Overview of Labor Legislation: Occupational Health and Safety
- Code of Conduct for All Staff and Project Workers

ESS 2 categorizes project workers into: direct workers; contracted workers; community workers; and primary supply workers. The labor category of direct workers will be government

civil servants and the federal, regional and district levels and staff from other relevant government ministries, departments and agencies deployed to provide requisite technical support to the project. Both the civil servants and consultants shall be governed by the Labor Code of 1972. The consultants will further be governed by a set of mutually agreed contracts. The consultants will be part of the Project Implementation Units (PIU) that have been established.

2.1 Direct Workers⁴

These are people employed or engaged directly by the Borrower, in this case, “Federal Government of Somalia (FGS), including line Ministries,” to work specifically in relation to the project. ~~The project will engage an estimate of 370 direct workers as detailed under the categories below.~~

Commented [ZI2]: Delete this line.

a) **Project Implementation Unit (PIU):** PIU is being set up within the MoCT at the Federal Government, to manage the project. It has a dedicated Project Coordinator (PC) with overall responsibility for the effective functioning of the Project. Staff for cross-cutting functions (for example, procurement specialist, project finance specialist, safeguards officers, M&E) are also in place. The PIU will comprise of an estimate 10 staff and one focalpoint from each federal member state and Banadir regional administration. . The timing of labor requirements is from project preparation to the completion of the project.

Commented [ZI3]: This should be removed, PIU will establish only at federal level, and member of estates will have Focul points for each.

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b) **Civil Servants:** Some Federal, State government civil servants will be supporting in connection to the project, which will include Federal Ministry (MoCT; State Ministry (MoCT); and district police that provide security services.. There will be no legal transfer of their employment or engagement to the project. The Constitution and the Civil Service Code prohibit child labor and forced labor. The project will ensure that government civil servants involved in the project will wear appropriate Personal Protective Equipment (PPE) to limit and safeguard them from exposure to Occupational Health Safety (OHS) risks under the project. Government civil servants supporting the project, whether full time or part time, will remain subject to the terms and conditions of their existing public sector employment agreement or arrangement. ESS2 will apply to such government civil servants only in relation to the provisions of paragraphs 17 to 19 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

c) **Consultants:** The PIU will be supported by Technical Assistants (TA) to enhance the ESI institutional capacity. The PIU would initially be supported and guided on aday-to-day sector undertakings through a Business Support Services Firm (BSSF) approach. The BSSF approach seeks to support and guide the day-to-day sector undertakings over a medium term to reestablish the Somali ICT sector covering both policy, oversight,

operations and management including coaching and hands-on training of the sector staff and sector studies.

- d) **Temporary staff:** The project will hire temporary workers as casuals, including the hired drivers (the number of employees will be determined on need-basis).

2.2 Contracted Workers

These are people employed or engaged through third parties to perform work related to core functions of the project, regardless of location. There will be contractor workers engaged in the construction of structures to necessitate establishment and operationalization of the project activities. It is anticipated that there might be the risk of child and forced/trafficked labor among the contracted/subcontracted workforce, in light of challenges with supervision at remote work site locations. An estimate of 500 temporal staff (400 unskilled and 100 skilled) will be engaged under the Project, to guarantee gender inclusivity, 30% of the work force will be women and 20% of the work force will be sourced from the Local Community

2.3 Primary Supply Workers

These are people employed or engaged by the FGS primary suppliers (primary supply workers), Procurement will be done for setting of cross border transmission networks. Most procurement will be carried out by EA-RDIP PIU at (MoCT or possibly directly by the World Bank (if need arises)). Where relevant, specific requirements on minimum age and prohibiting child labor and forced/trafficked labor, and work safety issues will be included in all purchasing orders and contracts with suppliers throughout the project implementation phase. The number and type of primary suppliers will be determined during project implementation. The timing of labor use of primary supply workers will cover the construction stage of the project.

2.4 Migrant Workers

As defined by ESS 2 footnote 7, Migrant workers' are workers who have migrated from one country to another or from one part of the country to another for purposes of employment. EA-RDIP will not engage this category of workers

2.5 Community Workers

As provided by ESS2, projects may include the use of community workers in a number of different circumstances, including where labor is provided by the community as a contribution to the project, or where projects are designed and conducted for the purpose of fostering community-driven development. EA-RDIP will not engage community workers as discussed under ESS 2 para 34 to 38.

2.6 Labor Procedures

As specified in the Labor Code, employment/engagement of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination 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 following measures, highlighted will be followed by contractors and monitored by the Social Safeguards Specialist, to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, religion, sexuality, disability or gender.
- Applications for employment will only be considered if submitted via the official application procedures established by the contractors.
- Clear job descriptions will be provided in advance of recruitment and will explain the skills required for each post.
- All workers will have written contracts describing terms and conditions of work and will have the contents explained to them. Workers will sign the employment contract.
- Unskilled labor will be preferentially recruited from the surrounding communities, with a goal of at least 50 percent.

- Employees will be informed (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers before the expected release date of the coming termination.
- The contracted workers will not be required to pay any hiring fees. If any hiring fees are to be incurred, these will be paid by the Employer.
- Depending on the origin of the employer and employee, employment terms and conditions will be communicated in two languages, in the state language and the language that is understandable to both parties.
- In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.
- Normal working time will not exceed 40 hours per week. With a five-day working week, the duration of daily work is determined by the internal work regulations approved by the employer after prior consultation with the representatives of the workers, in compliance with the established working week duration; this shall prevail upon all the project workers.

A summary of **indicative procedures** to develop and implement the LMP policies is provided below.

- a. **Occupational health and safety (OHS):** Pursuant to the relevant provisions of the Labor Code known as Act No. 31 of 2004: Private Sector Employees Law (Law No. 31/2004), ESS2 (including WBG Environmental, Health and Safety Guidelines (EHSGs), and WB standard procurement documents), the PIU will manage the project in such a way that project workers are properly protected against possible OHS risks. As provided in the ESMF appendix 1, OHS risks associated with construction of fiber cables and communication towers will include but not limited to;
- Expose community members and workers to physical hazards on the project site
 - Health and Safety risks associated with workers working in confined areas or workers working at heights such as on towers.
 - Health and Safety Risks associated with fire at campsites or electric related fires at active work sites
 - Expose community members and workers to traffic and road safety hazards
 - Debris removal that may pose a safety hazard for the community and Workers
 - Possibility that project activities might contaminate open wells, as a result of fuel leaks
 - Possibility that the activity spreads pathogens and other pollutants (eg latrines used on site)
 - Possibility that the activity spreads activity contribute to the spread of disease (eg COVID 19 and other Communicable Diseases such as HIV and AIDs)

The contractors will also be required to produce OHS policies and procedures, and plans in line with these provisions. Key elements of OSH measures include: (i) identification of potential hazards to workers; (ii) provision of preventive and protective measures; (ii)

training of workers and maintenance of training records; (iv) documentation and reporting of occupational accidents and incidents; (v) emergency preparedness; and (vi) remedies for occupational injuries and fatalities.

- b. **Labor influx:** EA- RDIP like and other large construction projects will require Labor force and associated goods and services cannot be fully supplied locally for reasons such as worker unavailability and lack of technical skills and capacity. In such cases, the Labor force (total or partial) needs to be brought in from outside the project area. This influx is compounded by an influx of other people who follow the incoming workforce with the aim of selling them goods and services, or in pursuit of job or business opportunities. It is estimated that the project will attract over 500 different categories of workers. To minimize labor influx, the project will contractually require the contractors to preferentially recruit unskilled labor from the local communities and nearby areas. All contracted workers will be required to sign the CoC prior to the commencement of work, which includes a provision to address the risk of GBV and SEA, as well as transmission of HIV/AIDS and other communicable diseases.
- c. **Labor disputes over terms and conditions of employment:** To avoid labor disputes, fair terms and conditions will be applied for all direct and contracted project workers (guided by relevant laws). The project will also establish and implement grievance redress mechanisms for all direct and contracted project for project workers in line with ESS2, to promptly address their workplace complaints, including workplace sexual harassment. Further, the project will respect the workers' right of labor unions and freedom of association, as set out in the *Private Sector Employees Law (Law No. 31/2004)*.
- d. **Discrimination and exclusion of vulnerable groups and/or persons from communities who meet the requirements of the WB ESS7:** 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, terms of employment (including wages and benefits), termination and access to training. The project shall comply with the *Private Sector Employees Law (Law No. 31/2004)* on gender equality in the workplace, which will include provision of maternity and sick leave. There will also be enough and suitable toilet and washing facilities, separate for men and women workers, as the community cultures demand. The contracts with third parties will include these requirements which will also be part of the monitoring system.
- e. **Security risks:** The security situation in Somalia remains volatile and characterized by entrenched conflict between Al- Shabaab and the FGS, FMS and associated groups. Between 1st January 2021 and 1st August 2022, the Armed Conflict Location & Event Data Project (ACLED) recorded 4,090 incidents of battles, explosions/remote violence and violence against civilians, causing 5,520 fatalities. The EA-RDIP Security Risk Assessment (SRA) provides an overview understanding of the current situation across Somalia (FMS) from a political and security perspective.

The main risks discussed in the SRA revolve around issues related to (i) Armed militia groups (ii) Political Instability (iii) Clan Conflicts (iv) conflicts over pasture and water (v) Calamities such as Flooding and (vi) Border Dispute with Somaliland. Somalia ranks

second on the Fragile State Index from 2019 with a total score of 112.3, only topped by Yemen with a score of 113.5. Somalia's indicators on factionalized elites, and demographic pressures score the highest.

Table 3 below provide a summary of interpretation of level of risks with regards to proposed intervention under EA-RDIP for each Federal Member State.

Table 3: Interpretation of EA-RDIP Interventions and Nature and Type of Security Risks

FMS	Priority 1 (Yes/No)	Priority 2 (Yes/No)	Priority 3 (Yes/No)	Priority 4 (Yes/No)	Nature Threat	Types of Risk
Jubaland	Yes	Yes	Yes	Yes	Extreme	<ul style="list-style-type: none"> • Al-Shabaab Attacks
South West	Yes	Yes	Yes	No	Extreme	<ul style="list-style-type: none"> • Political Instability • Clan Conflicts
Hisharbelle	Yes	Yes	No	No	Extreme	<ul style="list-style-type: none"> • Political Instability
Gulmudug	Yes	Yes	No	No	Extreme	<ul style="list-style-type: none"> • Clan Conflicts • Conflicts over pasture and water • Flooding
Puntland	Yes	No	No	No	Substantial	<ul style="list-style-type: none"> • Political Instability • Clan Conflicts • Border Dispute with Somaliland
Somaliland	Yes	Yes	Yes	No	Substantial	<ul style="list-style-type: none"> • Border Dispute with Puntland • Clan Conflicts

As indicated in **Table 2-1** above, some of the target project areas are located in areas with ongoing heightened concerns about fears insecurity. PIU will work closely with the Ministry of Security to ensure the security of the workers and the facilities involved in EA-RDIP. Proposed interventions in addressing security challenges adopt a two phased approach involving balancing (i) the need to support development benefits with (ii) managing the significant security risks, the project attempts a threefold approach:

- Screening out extremely high-risk areas, with a phased approach allowing reassessments and potential integration of areas where the situation improves over time;
- Risk management measures for moderate to substantial risk areas which remain volatile.
- Measures to scale down and or delay interventions in volatile areas with increasing risks informed by reassessments.

- f. **Gender-based violence (GBV) and Sexual harassment, exploitation and abuse (SEA/SH) among project workers and between project workers and members of local communities:** As detailed in EA-RDIP Sexual Exploitation And Abuse/Sexual Harassment Prevention And Response Action Plan, GBV is widespread in Somalia, and considered to be a major obstacle to equality, peace and development in the country. Despite the lack

of comprehensive and reliable national population based GBV prevalence data, information that does exist indicates that GBV is common in the lives of women and girls across the life course in Somalia, with some forms of GBV endemic.

The plan further provides that some forms of GBV are normative in Somalia, including FGM/C, child marriage and some intimate partner violence behaviors, in particular a man's use of physical violence to discipline or control his wife under certain circumstances.⁵ Other normative forms of GBV in Somalia include cultural practices of abduction and forced marriage and widow inheritance.⁶ The extent to which each type of GBV is practiced and normative varies across regions of the country, and there are indications of apparent shifts in beliefs and attitudes that support FGM/C, child marriage and intimate partner violence within Somalia, as discussed in more detailed in the next section. However, in the absence of reliable quantitative and qualitative research, it is hard to assess the degree of attitudinal change.

The project as discussed under the Component 1 and 2 of the PAD will involve construction of fiber cable and related infrastructure including deployment of up to 4,600 km of new fiber along prioritized routes including connecting three main cable landing stations under Cross-border and backbone network connectivity (Sub Component 1.1). Further, under Sub Component Sub-component 1.2: Last mile connectivity including in borderland areas interventions will include; connecting population centers, public institutions along the fiber route and establishing low-cost portable, emergency response options of Wi-Fi hotspots, nomadic RANs, network transceivers in host communities and IDP/refugees camps in borderland areas. 7Risk factors that could increase the potential for SEAH/GBV risks during construction of fibre cables will include;

- Large-scale influx of transient male workers into small and often rural host communities with low capacity to absorb the sudden increase of workers
- Remote locations where people have limited access to resources to report SEAH/GBV risks and receive support
- Presence of security personnel, who can provide protection but can also abuse their positions of power and status to perpetrate SEAH/GBV risks.
- Male workers transporting goods related to the project (e.g. truck drivers), who can perpetrate SEAH/GBV risks on routes and at truck stops associated with the project, even if not on the project site.

⁵ International Alert/CISP (2015) The Complexity of Sexual and Gender-Based Violence: Insights from Mogadishu and South Central Somalia, International Alert, Nairobi.

⁶ Norwegian Country of Origin Information Centre (2018) Somalia: Marriage and divorce, Landinfo, Oslo.

⁷ https://www.ifc.org/wps/wcm/connect/62316c4d-6518-4a7b-881d461c219c46a5/SectorBrief_AddressingGBVH_Construction_July2020.pdf?MOD=AJPERES&CVID=nddoFUn

- Poorly designed or maintained physical spaces on project sites and in worker accommodation for example bad lighting in and around grounds and access routes
- Informal workers, whose informality means they may either be more vulnerable to SEAH/GBV risks due to lack of contracts or that potential perpetrators may go unidentified due to lack of background checks
- Income-earning opportunities for women through direct employment in construction or operations, or indirect employment (e.g. catering, traders), which may also increase household tension and create community backlash against women in areas where the perception is that they should not work outside the home

Therefore, given the high levels of gender-based violence in Somalia, including due to the ongoing situation of fragility, conflict and violence throughout the country, sexual harassment, exploitation and abuse among project workers and between project workers and members of local communities is a high risk. Thus, the project will require all PIU staff and other direct workers and all and contracted workers to sign the code of conduct (CoC), outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of actions that breach the CoC. PIU will identify a qualified trainer/consultant within the 1st year of Project effectiveness to offer training in GBV and SEA (the development partners may be approached to offer support with this training). The project worker grievance mechanism's functions will include complaints related to workplace sexual harassment submitted by project workers. The project Grievance Redress Mechanism (GRM) will establish a dedicated channel to address GBV/SEA/SH complaints in confidential, survivor-centered, robust and responsive manner.

- g. **Child Labor:** The project will ensure that all direct and contracted workers engaged/employed in relation to the project are at least 18 years old. . This will be a requirement in all contracts with civil works contractors. PIU/Contractor will ensure that no construction workers under the age of 18 years are employed/engaged in relation to the project.
- h. **Forced labor:** Project will not allow any form of forced labor, bonded labor, slavery, servitude, trafficking or other forms of involuntary or compulsory labor.

The project will hold all contractors liable for the implementation of the LMP. The PIU will have overall responsibility to monitor the implementation of the LMP.

2.7 Age of Employment

The EA-RDIP project implementing team will ensure that:

- EARDIP will only engage persons with a minimum age of eighteen (18) years and this will be enforced during recruitment and monitored by the contractors.
- Contractors will verify identity and 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. Contractors will liaise with community members to attest to the age and conduct of all local hires and maintain a list of same.
- .Liaise with labor inspectors/ concerned authorities, and conduct announced and unannounced inspection visits to work sites (related to the project),).
- If a person under the minimum age of 18 is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, considering the best interest of the child.

The process of age verification. Verification of the age shall be undertaken prior to the engagement of labor and be documented. Below is indicative age verification means that could be used in Somalia context where official ID system is broadly unavailable:

- Check the birthday on official documents such as birth certificate, national ID or other credible records, where available.
- Obtain written confirmation from the medical practitioner, parents or guardian; or
- Inquire with the local community leader, community action group or with other credible community sources.

2.8 Terms and Conditions

Provision of written individual contract of employment. A written individual contract of employment shall be provided to workers that specify the following: (a) name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedure for suspension or termination of contract. Depending on the origin of the employer and the employee, employment terms and conditions will be communicated in a language that is understandable to both parties. In addition to written documentation, an oral explanation of conditions and terms of employment will be provided to workers who may have difficulty understanding the documentation.

Notice for termination of contract. Either of the contracting parties may terminate a contract of employment by giving written notice as under: (a) not less than ten days in the case of manual workers; or (b) not less than 30 days in the case of non-manual workers. No notice needs to be given in case the duration of contract does not exceed one month. For other field staff who may be found in breach of confidentiality or falsifying information. Termination should be forthwith even if contractual period were more than one month.

Minimum Wages. While the mechanism to set the official minimum wage by the presidential decree (Labor Code, Article 72) is not currently functioning, the market rate is available for each job type in different locality. The fair market rate will be identified and applied for project workers.

Hours of Work. The normal hour of work of a project worker shall not exceed 8 hours a day or 48 a week. Hours worked in excess of the normal hours of work shall not exceed 12 hours a week and shall entitle a worker to a proportionate increase in remuneration.

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

Annual leave. Workers shall be entitled to 15 days' leave with pay for every year of continuous service. An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

Maternity leave. A female worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

Nursing breaks. A female worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.

Deductions from remuneration. No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing. The employer shall not demand or accept from workers any cash payments or presents of any kind in return for admitting them to employment or for any other reasons connected with the terms and conditions of employment.

Death benefit. In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

Treatment of injured and sick workers. It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

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

2.9 Overview of Labor use in the Project

This section describes the estimated numbers of project workers to be involved, characteristics in the broader sense, timing and sequencing of labor requirements, anticipated contracting structure including, types & numbers, based on available information.

Number of Project Workers: The project shall employ at least 370 direct workers and 500 contracted workers out of which 400 will be unskilled and 100 skilled during the project preparation, construction and operational phases.

The composition /characteristics of project workers will include the local workers from the specific project areas, national or international migrants for the technical specific works not readily available in the area. Special consideration will be given to female workers during the recruitment. In addition, measures will be put in place to ensure non-discriminatory and inclusive hiring. The project will not engage/employ community labor as that term is understood in ESS2.

Timing of Labor Requirements: The timing and sequencing of labor requirements for the project is associated with the different phases. 10 % of the proposed labor shall be used during the planning/preparation phase, 50 % of proposed number of workers will be recruited during the construction phase and the remaining 40 % of the workers will be recruited during the operational phase of the project.

Direct workers include all the workforce directly employed by the PIU: E&S safeguards specialists, OHS specialist, M&E specialist, GBV Specialist and the Gender Officer as the gender focal point, Consultants, Engineers, temporal staff such as casuals and Field supervisors/Field staff, and civil servants seconded for work by the Federal Government, and MoICT seconded to support the project and the consultants that have direct employment agreements with the Ministry of Information and Communication and Technology. Government civil servants working in connection with the project, whether full time or part time, will remain subject to

the terms and conditions of their existing public sector employment agreement or arrangement. ESS2 will apply to such government civil servants only in relation to the provisions of paragraphs 17 to 19 (Protecting the Work Force) and paragraphs 24 to 30 (Occupational Health and Safety).

Contracted Workers: The project will use the services of both direct and contracted workers estimated to be 400 unskilled and 100 skilled. The contracted workers will compose the bulk of the labor work force (70%) to be used in the project; they include the contractors who will do actual implementation of the 4 No. component of project. The PIU will be responsible for recruiting the contractors through the Procurement Unit; with specific contractual obligation. Foreign workers will require work permits, which will allow them to work in Federal Republic of Somalia and in the Federal Member States namely; Jubaland, South West, Hisharbelle, Gulmudug, Puntland and Somaliland

Table 4: Overview of Labor in the Project.

Type of project Workers	Characteristics of project workers	Timing of labor requirements	Indicative number of Workers
Direct workers PIU - (E&S safeguards specialists, GBV specialist, OHS specialist, M&E specialist the Gender Officer as the gender focal point Consultants Engineers, temporal staff and Field supervisors/Field staff/	<ul style="list-style-type: none"> •PIU: National consultants, •Consultant international and national experts •Engineers, Surveyors, Social and Environment safeguards and Field workers: National 	<ul style="list-style-type: none"> •PIU: from project Preparation until project completion •Consultants: from project preparation until project completion •Engineers Fieldworkers: during project implementation 	<ul style="list-style-type: none"> • PIU: approx. 20 consultants • field staff: need bases.
Civil Servants	<ul style="list-style-type: none"> • Workers from the Ministries, local governments supporting the project 	<ul style="list-style-type: none"> • Support from project preparation until project completion 	<ul style="list-style-type: none"> • Depends on the need
Contracted workers Skilled workers engaged by the primary contractor Skilled workers engaged by subcontractor Unskilled workers engaged by the subcontractor	<ul style="list-style-type: none"> • Skilled workers of the primary contractor: mostly national technical permanent staff. •Skilled workers engaged by the subcontractor: national or international operators of 	<ul style="list-style-type: none"> • The timing of labor requirement will fluctuate, dependent on the construction stages, which will be determined by individual Contractors at the contract award stage. 	<ul style="list-style-type: none"> • The contracted works (skilled or unskilled) required during the execution of the project activities will be identified later once the exact sub-Projects and locations are determined. For each sub-project

Type of project Workers	Characteristics of project workers	Timing of labor requirements	Indicative number of Workers
	heavy machines <ul style="list-style-type: none"> Unskilled workers: local host community members, female workers, IDPs and persons with disabilities. 		site, approximately 500 workers may be hired.
Primary supply Workers/ Workers engaged by primary suppliers	<ul style="list-style-type: none"> They are most likely to be local workers to deliver construction materials like sand. 	<ul style="list-style-type: none"> Project implementation 	<ul style="list-style-type: none"> The primary supply workers will be identified during the Project implementation stage.

CHAPTER 3: BRIEF OVERVIEW LEGAL AND INSTITUTIONAL FRAMEWORK OF LABOR

The Provisional Constitution of the Federal Republic of Somalia (adopted in August 2012) provides the legislative framework for management of labor issues. The Labor Code¹ of Somalia (Law Number 65, adopted in 1972) is the specific labor law governing all aspects of labor and working conditions, which covers the contract of employment, terms and condition, remuneration, occupational health and safety, trade unions and labor authorities. The provisions of the Labor Code apply to all employers and employees in all project areas. The Labor Code is applicable to all types of workforce of the project. The Labor Code is broadly consistent with the ESS2, while there is a significant gap in the enforcement aspect of the legislation (see Section III on the institutional framework). The public service or public institutions are in addition governed by the Civil Service Law (Law Number 7/96) adopted in 1996.

Below is the list of relevant provisions of the Labor Code with regard to terms and conditions of employment.

1) Content of individual contract of employment (Article 46 of the Labor Code)

- Subject to the provision of this Code or regulations made hereunder, a written individual contract of employment shall specify the following: (a) name and father's name of workers; (b) address, occupation, age and sex of workers; (c) employer's name and address; (d) nature and duration of contract; (e) hours and place of work; (f) remuneration payable to the worker; and (g) procedures for suspension or termination of contract.
- The Law for the Somali Civil Servants No.11, Article 86: Work Contract
- Any person to be employed for Government service shall enter an agreement of contract with the institution that takes the person which its period shall be based on the institution's need but can however be renewed.

2) Notice for termination of contract (Article 50 of the Labor Code)

- Either of the contracting parties may terminate a contract of employment by giving written notice as under:
 - (a) Not less than ten days in the case of manual workers;
 - (b) Not less than 30 days in the case of non-manual workers:
Provided that no notice need be given in case the duration of contract does not exceed one month.

- The Law for the Somali Civil Servants No.11. Article 22: Termination of Person under Service Trial, the head of the Department together with the labor commission can terminate from work a new employee within the period of his/her service trial if firmly proved that hi/her work performance in the effective and shall have no right.

2) Minimum wages (Article 72 of the Labor Code).

- Taking into consideration the economic and social conditions of the country (and in consistence with the provisions of article 71), the minimum wages for any category of workers may be determined by decree of the President of the Republic, on the proposal of the Minister, having heard the Central Labor Commission, and with the approval of the Council of Secretaries.
- The Law for the Somali Civil Servants No.11. Article 85: Arrangements of Government Workers Basic Salaries. The basic salaries for the Civil servants of the Government shall be arranged, determined and set up by special Committee composed of members from the ministry of labor and Development of workers, the central Bank and the National Civil Servant commission of the Government.

4) Hours of work (Article 85, 86 of the Labor Code).

- The normal hours of work of a worker shall not exceed eight a day or 48 a week.
- Hours worked in excess of the normal hours of work shall not exceed 12 a week and shall entitle a worker to a proportionate increase in remuneration, which shall in no case be less than 25 per cent of the normal remuneration.

5) Weekly rest (Article 96 of the Labor Code)

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

6) Annual leave (Article 97 of the Labor Code)

- Workers shall be entitled to 15 days' leave with pay for every year of continuous service.
- An entitlement to leave with pay shall normally be acquired after a full year of continuous service.

7) Fringe benefits (Article 73 of the Labor Code)

- Any employer shall provide (a) accommodation when a worker is required to be away from his normal residence; (b) free food to workers, or subsistence allowance in place thereof; (c) free transport to and from the place of work, when a worker is required to work in a town or locality away from his normal residence.

8) Deductions from remuneration (Article 82 of the Labor Code)

- No deductions other than those prescribed by the Code or regulations made hereunder or any other law or collective labor agreement shall be made from a worker's remuneration, except for repayment of advances received from the employer and evidenced in writing.

9) Death benefit (Article 53 of the Labor Code)

- In case of death of a worker during his contract of employment, the employer shall pay to his heirs an amount not less than 15 days' remuneration as death benefit for funeral services.

10) Expecting and nursing mothers (Article 91 of the Labor Code)

- A woman worker shall be entitled, on presentation of a medical certificate indicating the expected date of her confinement, to 14 weeks' maternity leave with half pay, of which at least six weeks shall be taken after her confinement, provided that she has been employed by the employer for at least six months without any interruption on her part except for properly certified illness.

11) Nursing breaks (Article 92 of the Labor Code)

- A woman worker who is nursing her own child shall be entitled, for a maximum of a year after the date of birth of the child, to two daily breaks of one hour each. The breaks shall be counted as working hours and remunerated accordingly.
- 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.

3.1 Labor Code 1972

It stipulates that all contract of employment must include a) the nature and duration of the contract; b) the hours and place of work; c) the remuneration payable to the worker; and c) the procedure for suspension or termination of contract. Furthermore, all contracts must submit to the competent Labor inspector for pre-approval.

In regards to occupational health and safety standards (OHS), the employer is obligated to provide adequate measures for health & safety protecting staff against related risks, including the provisions of a safe and clean work environment and of well-equipped, constructed and managed workplaces that provide sanitary facilities, water and other basic tools and appliances ensuring workers' health and safety.

The Code further stipulates that workers have the right to submit complaints and the employer must give the complaints due consideration. Remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory on account of race, colour, sex, sexual orientation or gender identity, language, religion, political or other opinion, nationality or national extraction, ethnic or social origin, disability, pregnancy, mental status, age or human immuno-deficiency virus (HIV) status or political or trade union activities.

. Maximum number of working hours per week are 8 hours per day and 6 days per week. The Labor Code stipulates right to equal pay for the same work as men, paid maternity leave. Women are entitled to 14 weeks of maternity leave at half pay.

The Labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace.

The code is not explicit in relation to ESS 2 para 27 which provides that Workplace processes will be put in place for project workers to report work situations that they believe are not safe or healthy, and to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health. Project workers who remove themselves from such situations will not be required to return to work until necessary remedial action to correct the situation has been taken. Project workers will not be retaliated against or otherwise subject to reprisal or negative action for such reporting or removal

Some work is considered dangerous and unhealthy and forbidden for women and youth. This includes the carrying of heavy weight or work at night.

The labor Code provides that the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of children is 18 years. The code further states that employment of a person of the minimum age and below the age of 18 years must be consistent with the fullest physical and mental development of the child. However, the code provides that the Minister may, after consultation with the representative organisations of employers and workers, permit the employment or work of persons of 13 and below 15 years of age, or of persons who are at least 15 years of age but have not yet completed their compulsory schooling, on light work.

The Code also recognizes freedom of association. Employers are prohibited from engaging in any kind of discrimination or restriction of the right of freedom of association. Workers are allowed to join trade unions. Labor

3.2 Occupational Health and Safety (OHS)

The Labor Code covers protection against risks to the workers, notification procedures in occupational accidents, medical requirements at site and conveyance of injured workers to the hospitals, among others. Below is the list of relevant provisions of the Labor Code with regard to OHS. The labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace. The Labor code is not explicit on OHS provisions as detailed in ESS2 para 27.

Protection against possible risks (Article 101)

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

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

Notification of industrial accidents and occupational diseases (Article 102)

The employer shall immediately notify the competent labor inspectorate of all accidents resulting in injury of death and occupational diseases.

Medical facilities (Article 103)

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

Conveyance of Injured and sick workers (Article 104)

It shall be the duty of the employer to arrange at his own expense for the conveyance to the nearest hospital of any injured or sick worker who can be so conveyed and who cannot be treated on the spot with the means available.

Medical Examination (Article 95)

- Children and young persons shall not be employed unless the employer has arranged for their medical examination to ascertain whether they are fit to undertake all or any of the duties on which they are to be employed. Thereafter the employer shall arrange for a medical examination once a year for children and young persons until they reach the age of 18 years.
- Officials of the health services shall carry out such medical examination and issue the appropriate certificates.
- Where a person is found to be medically unfit to continue his job, his contract of employment shall be automatically dissolved.

3.3 Workers Organisations

Below is the list of provisions of Labor Code with regard to worker's organizations.

Organization and purpose (Trade Unions) (Article 9 and 10)

- The organization of labor unions shall be free.
- Persons engaged in the same occupation, trade or industry, or related occupations, trades or industries may establish a trade union.
- Every person is free to join a trade union within the framework of his occupation.
- A trade union shall be established by a notarial act. It shall have a minimum of 50 members.

Freedom of association (Article 15)

It shall not be lawful to engage in any act of discrimination or any act restricting the right of freedom of association and more particularly to:

(a) Make the employment of a worker subject to the condition that he shall not join a labor union or shall relinquish trade union membership;

(b) Cause the dismissal of or prejudice a worker in any other way by reason of trade union membership or because of participation in trade union activities.

It shall also be unlawful for any employer to engage in any act of interference, including financial interference, in the establishment or functioning of a labor union.

Rights of trade union (Article 25)

A trade union shall have the rights to enter into individual contracts or collective agreements respecting conditions of work, to vindicate and enforce the rights prescribed therein and to take any legal actions arising out of such contracts or based on the law.

3.4 The World Bank Environmental and Social Standards (ESS)

The World Bank Environmental and Social Framework sets out the World Bank's commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.

The Environmental and Social Standards set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing.

The World Bank's Environmental and Social Framework (ESF) requires the Bank and Borrowers to better manage environmental and social risks and impacts of projects and to improve development outcomes. The WB ESF applies to EA-RDIP.

3.5 ESS2: Labor and Working Conditions

ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers.

The objective of preparing Labor Management Procedures (LMP) is to identify and manage risks associated with labor and working conditions under the East Africa Regional Digital Integration Project (EA-RDIP). It identifies labor requirements in line with applicable Somalia national laws, standards and sets out the procedures for addressing labor conditions and risks associated with the EA-RDIP in line with the World Bank Environmental and Social Standard (ESS) 2 on Labor and Working Conditions (ESS2) and ESS4 on Community Health and Safety.

The LMP sets out policies and procedures for avoiding and managing these risks in relation to the activities of the project labor force. The purpose of the LMP is to facilitate planning and implementation of the project. The LMP identifies the main labor requirements and risks associated with the project, and helps the Borrower determine the resources necessary to address project labor issues. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project. The LMP provides an overview of labor use in relation to the project, assesses the potential labor risks based on type of work and worker and provides for appropriate mitigation measures, sets out the roles and responsibilities for implementing the LMP in line with the project structure for implementing the EA-RDIP, establishes a dedicated grievance mechanism for project workers, and provides procedures to guide development of site-specific labor management Procedures by contractors.

3.3 Key Gaps between National Legislation and World Bank ESS 2

The Borrower will ensure that the Gaps detailed in Table 5 below are addressed during project implementation stage. The PIU will follow provisions of this LMP and establish and implement a worker-specific grievance mechanism, which is aligned with the project's worker grievance mechanism and the provisions of ESS2 paras 21-23, to handle all work place complaints among workers, including workplace sexual harassment. The PIU will ensure that the contractors will not hire persons aged under 18 for working in the project activities. In addition, the social risk and GBV risk for the project is rated high, adequate mitigation measures shall be considered during project implementation including the preparation of the GBV/SEA/ Action Plan.

Table 5 below gives the summary of World Bank Requirements and Key Gaps with FGS Legal Requirements:

Table 5: Summary of World Bank Requirements and Key Gaps with FGS Legal Requirements

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
Working Conditions and management of Labor relations	<ul style="list-style-type: none"> -Provides for Written Labor management procedures -Non-discrimination and equal opportunity. -Worker's organizations -Elaborate Labor management procedures including contractors' ESMP. 	<ul style="list-style-type: none"> -Provides for Witten employment contract requires including procedures and employment conditions Labor 	<ul style="list-style-type: none"> - No provision for Labor management procedures 	<ul style="list-style-type: none"> - LMP developed for the project Terms and conditions in the LMP are consistent with national Laws, the LMP will address the GAPS in Grievance Redress Mechanisms and matters related to Terms and Conditions of Employment
Worker Specific Grievance Mechanism for Workers to Raise workplace related complaints, including workplace sexual harassment.	<ul style="list-style-type: none"> -Worker grievance mechanism must be established and implemented for direct and contracted workers. -Provides for grievance procedures, including the person to whom grievances should be addressed; and, Measures will be put in place to make the grievance mechanism easily accessible to all such project workers 	<ul style="list-style-type: none"> - - Provides for federal Alternative Dispute Resolution Commission, Committee of Inquiry and Labor courts 	<ul style="list-style-type: none"> - No Provision for elaborate easily accessible at no cost dispute resolution mechanism as provided in the ESS 2 para 21 	<ul style="list-style-type: none"> Prepare Worker Specific Grievance Mechanism for workers (Direct workers) as per this LMP. Contractors will develop contractor LMP including provision to establish and maintain worker grievance for their employees/workers in line with ESS2.
Occupational Health and safety	<ul style="list-style-type: none"> -detailed procedure required for every project. -Requirements to protect workers, train workers, documents incidents, emergency preparation, addressing issues. -Monitoring OSH performance - Right of worker to remove self from dangerous work situation without fear of reprisal? 	<ul style="list-style-type: none"> -Focus is on Employer's, Employee's and the Director's Duties in Respect of Occupational Accidents, Injury and Diseases - provides for Compensation, Offences and Specific Laws and Regulations - Labor code provides under duties of employee among others 	<ul style="list-style-type: none"> -No detailed procedure specific to every project. - Requirements to protect workers, train workers, train workers, document incidents, emergency preparation. -It's not explicit on provisions of ESS2 para 27 as paraphrased in the comment 	<ul style="list-style-type: none"> -Prepare site specific OSH plan for the project as provide in the ESMF -Prepare training plan for workers, document incidents and emergency preparation for the site provide in the ESMF. -Adhere to provisions of the LMP which conforms to the

ESS & Topic	Major WB Requirements	Key FGS legal framework	GAP between FGS Legal Framework and ESS 2 Provisions	GAP filling Measure
		to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace		provisions of ESS2 para 27 as paraphrased in the comment
Category of workers	Specifies these following categories of workers; direct workers, contracted workers, community workers, migrant workers and primary supply workers.	The framework does not categories workers	No reference to community and Primary supply workers	No community workers and migrant workers will be involved in the project. -Screening and monitoring measures will be introduced for primary suppliers as per this LMP.
Prohibiting discrimination against persons with disabilities, persons with HIV/AIDs, and other vulnerable populations?	Provides under ESS 2 Para 13 that decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements.	Provides non-discriminatory on account of race, colour, sex, sexual orientation or gender identity, language, religion, political or other opinion, nationality or national extraction, ethnic or social origin, disability, pregnancy, mental status, age or human immuno-deficiency virus (HIV) status or political or trade union activities"	FGS is not explicit on persons of LGBTQ	Provision of LMP on non-discrimination will be complied with

3.4 ILO Fundamental Conventions Ratified by Somalia

Somalia has been a member of the International Labor Organization (ILO) since 1960. The country has ratified below listed fundamental conventions of ILO:

Forced Labor Convention (1930/no. 29). The key objective of the Convention is to suppress the use of forced labor in all its forms. It defines forced labor as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’. The Convention has been in force in Somalia since 1960.

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87): Article 2 of the convention provides that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. Article 3 provides that workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Article 3 further provides that public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Right to Organize and Collective Bargaining Convention, 1949 (No.98): The convention provides under article 1 Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection shall apply more particularly in respect of acts calculated to—

- (a) Make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
- (b) Cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2 provides that workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

Discrimination (Employment and Occupation) Convention, 1958 (No.111): The convention provides that each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Worst Forms of Child Labor Convention, 1999 (No.182): The convention provides worst forms of child Labor comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory Labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The convention requires that each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

The Freedom of Association and Protection of the Right to Organize Convention (1948) No 87: Article 3 (1) Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. Somalia ratified the Convention in 2014.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98): Article 1 Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency. Somalia ratified the Convention in 2014.

Convention concerning Forced or Compulsory Labor (ILO No. 29): Article I Each Member of the International Labor Organization, which ratifies this Convention, undertakes to suppress the use of forced or compulsory labor in all its forms within the shortest possible period. Article 5 1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labor for the production or the collection of products which such private individuals, companies or associations utilize or in which they trade. The Convention has been in force in Somalia since Nov 18th, 1960.

ILO Convention 182 on Worst Forms of Child Labor. Ratification of this Convention makes a country commit itself to taking immediate action to prohibit and eliminate the worst forms of child labor. Some predefined worst forms of child labor include sale of a child, trafficking of children, forced or compulsory labor, commercial exploitation of children, prostitution or the

production of pornography, and work by its nature that is likely to harm the health, safety and morals of children. The Convention was ratified by Somalia in 2014.

Occupational Safety and Health Convention, 1981 (No.155): The Conventions provides that each Member shall, in the light of national conditions and practice, and in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. _The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Convention provides that each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national program.

Further, the convention provides that each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programs on occupational safety and health by taking into account the principles set out in instruments of the International Labor Organization (ILO) relevant to the promotional framework for occupational safety and health.

Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

3.5 Institutional Framework for Labor

The Federal Labor Ministry and Social Affairs (MOLSA) is responsible for labor policy and regulatory frameworks at the Federal level. Currently, there are 160-170 staff at the federal level, but there is no clear job assignment and distribution of roles and responsibilities. The State Labor Ministry in each State is in charge of implementation of the labor code, including the labor inspection. While 5 States have labor ministries, only Puntland has three labor inspectors under the minister. Others have no functioning labor inspection. While the new government established under the new Provisional Constitution is still nascent, there are significant gaps² in the implementation of the Labor Code.

The Department of Legal and Labor Relation under the FGS Ministry of Labor and Social Affairs is responsible for the implementation of the labor Laws. It has five sections, namely: Child

Labor, Foreign Employment, Trade Union and Industrial Relation, Recruiter's License/Permit and Labor Migration.

Below is the list of relevant provisions of the Labor Code on the institutional arrangements of labor authorities.

1) Central Labor Authority (Article 106)

- The FGS Ministry of Labor is the Central Labor Authority for the purposes of implementing the labor Code.
- The Central Labor Authority, through the Legal and Labor Relations Department, shall ensure compliance with the provisions of this Code.
- The Head of the Labor Department shall have the rank of Central Labor Inspector.

2) District labor inspectorates (Article 107)

- A district labor inspectorate shall have jurisdiction in the district and shall have its office in the district headquarters concerned. It shall be headed by an official having the rank of district labor inspector who shall be appointed by the Secretary

3) Duties of district labor inspectors (Article 108)

- The district labor inspector shall ensure strict compliance with the provisions of this Code or regulations made hereunder; and mediate in labor disputes falling within his competence.

4) Power of inspectors (Article 110)

- The Central Labor Inspector and district labor inspector shall have the power to:
 - a) enter freely without previous notice at any hour of the day or night any workplace liable to inspection; to carry out any examination, test or inquiry to satisfy themselves that the provisions of this Code and regulations made hereunder are observed;
 - b) interrogate the employer or the worker on any matters concerning the application of this Code or regulations made hereunder;
 - c) require the production of any books, registers or other documents concerning the workers and their terms and conditions of service in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts therefrom.

5) Individual labor disputes (Article 134)

- An individual labor dispute shall be submitted by any of the parties to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

6) Collective labor disputes (Article 135, 136, 137)

A collective labor dispute arising at the district, firm or factory level shall be submitted to the competent district labor inspector for conciliation, who shall attempt to settle the dispute within 14 days of its submission.

Note that, the Federal Member States have duplicated the hierarchical at the FGS Labor Ministry and Social Affairs (MOLSA) in terms of management and institutional arrangements as listed above.

CHAPTER 4: OCCUPATIONAL HEALTH AND SAFETY INSPECTION, ENFORCEMENT AND PIU ROLES.

4.1 Occupational Health and Safety (OHS) Inspection and Enforcement

OHS Labor Inspectors have the power to enter to carry out their duties, the Inspectors of Labor must have made for them identification cards to verify that:

- i. They are Labor Inspectors.
- ii. This Labor Code authorizes them to inspect work premises according to the terms that the code mandated.
- iii. Therefore, for them to become acquainted with the conditions of work and of the workers, the Inspectors of Labor can enter at any proper time, without warrant or prior notification, any premises where work is undertaken or wherever employees are at work at the time or are receiving training/education or wherever data of any kind about employees is stored, that is not a currently inhabited house.
- iv. Labor inspectors have authority to inspect work sites in accordance with the code, advice the employers about employees' rights and the employees about their work responsibilities.

The following gaps between Somali national law and ESS2 have been identified with regard to the existing OHS legislation.

- The implementation of the requirement of the OHS provision in the Labor Code is not adhered to.
- FGS has capacity gaps in the form of the availability of competent teams to ensure all the requirements are met.
- There is a glaring gap with regard to the community health and safety provisions.
- There is no sectoral health and safety policy to guide the implementation of the sectoral OHS.
- Labor code provides under duties of employee among others to act with care and diligence in the workplace and to ensure that he or she does not, by his or her conduct, create a risk of injury or death or cause injury or death, to himself or herself, or anybody else in the workplace. The code is not explicit on right of worker to remove self from dangerous work situation without fear of reprisal as detailed under ESS 2 para 27

The PIU will refer to applicable International Best Practices by World Bank Group and international conventions, and directives for addressing health and safety issues, such as:

- World Bank Group Environmental, Health, and Safety Guidelines for Electric Power Transmission and Distribution, 2013
- World Bank Group. Environment and Social Framework Safeguards interim note:
- COVID-19 considerations in construction/civil works projects, 2020.
- World Bank Group. Environmental, Health, and Safety Guidelines. General EHS Guidelines, April 30th, 2007.
- World Bank Group. Good Practice Note – Assessing and Managing the Risks and Impacts of the Use of Security Personnel, 2018.
- ILO Occupational Safety and Health Convention, 1981 (No. 155)
- ILO Occupational Health Services Convention, 1985 (No. 161)
- ILO Safety and Health in Construction Convention, 1988 (No. 167)
- WHO International Health Regulations, 2005
- WHO Emergency Response Framework, 2017

4.2 Responsible Staff

Project Coordinator (PC) at the Project Implementation Unit (PIU) in FGS, where project activities are taking place, will be responsible for the overall project management and coordination, including compliance with safeguards requirements such as those contained herein. The PC will engage consultant(s) with expertise in environmental, social, and OHS issues. The PC will be responsible for the following tasks:

- Engage and manage consultants and contractors in accordance with this LMP and applicable procurement documents.
- Ensure that the grievance mechanism specifically for project workers is established and implemented and that project workers are adequately informed about it and trained on how to access it.
- Monitor project contractors and workers to ensure their activities are included in the LMP and the applicable Procurement Documents Monitoring the implementation of the Worker Code of Conduct.
- Monitor the potential risks of child labor, forced labor and serious safety issues in relation to primary suppliers.
- Provide training to all members of the PIU, as well as all project workers to raise awareness about compliance with national labor laws, including on terms and conditions of employment, occupational health and safety, child labor and forced/trafficked labor.
- Report to the World Bank on a quarterly basis on labor, and OHS performance and key risks and complaints.
- Undertake the overall implementation of this LMP.

4.3 Project Operational Manual

The Project Operational Manual (POM) will include standard templates of contracts which include LMP, OHS aspects, and the contractors (Civil Works) commit to them. The contractors will be required to hire OHS Officer, who will be answerable to the Project Manager as well as PIU Safeguards Officer(s). The Contractors' OHS shall do the following:

- Follow the labor management procedures and occupational health and safety requirements in line with the Contractors' ESMP provisions and stated in the contracts signed with Implementing Agency.
- Prepare site specific LMP and OHS plan that covers all worksites for which the contractor is responsible.
- Supervise the subcontractors' implementation of labor management procedures and occupational health and safety requirements.
- Maintain records of recruitment and employment of contracted workers as provided in their contracts.
- Communicate clearly job descriptions and employment conditions to all workers.
- Make sure every project worker hired by contractor/subcontractor is aware of the implementing agency dedicated phone number, email address, and web portal through which anyone can submit grievances.
- Provide induction (including social induction) and regular training to employees in labor protection requirements, including training on their rights on safe Labor and keep these records, provide induction and regular training to all workers on environmental, social and OHS issues, and keep these training records.
- In collaboration with Implementing Agency Safeguards Specialists, conduct training on Labor management procedures and occupational safety to manage subcontractor performance.
- Ensure that all contractor and subcontractor workers understand and sign the Code of Conduct prior to the commencement of works, and supervise compliance with the Code.

At the time of LMP preparation, PIU formation is ongoing under PPA funding, the LMP protocols will be developed once the PIU is fully constituted with appropriate staff. For instance, the social safeguards officer oversee the implementation of the worker grievance mechanism and ensure appropriate stakeholder consultation (ESS10). Other functions include:

- Monitoring, supervising, and reporting on health and safety issues relating to EA-RDIP activities including details on key responsibilities and reporting arrangements for the Project Supervising Team and the main contractor.
- Coordinating and reporting arrangements between contractors.
- Following up on the feedback mechanisms between the contractors and their workers and flagging out any issues for redress.
- Reporting on a regular basis on the workers GRM implementation progress.

Table 6: Summary of Project Staff and Key Responsibilities

Responsibility Area	Direct and Contracted Workers	Primary Supply Workers
Hiring and managing individual direct workers	PIU will oversee the work of consultants hired to support EA-RDIP activities	N/A (Outside the scope of ESS2)
OHS	Environment safeguards specialist will follow up the implementation of OHS measures. Refer the recommendation of the LMP	-The PIU will assess the risk of serious safety issues by primary suppliers and as needed required to develop procedures to address these risks.
Child Labor and forced Labor	The contract does not allow child and forced Labor	Primary suppliers to adhere to child Labor requirements -PIU to review
Training	PIU /Contractors	N/A (Outside the scope of ESS 2)
Code of Conduct	The contract for direct workers will address relevant risks	
Grievance Mechanism	The contract for direct workers will address relevant Risks	
Monitoring and Reporting	PIU, M&E, Third Party Monitoring (TPM) and report to the World Bank	Relevant PIU staff to monitor and report to PIU coordinator PIU to report to World Bank.

CHAPTER 5: ASSESSMENT OF KEY POTENTIAL LABOR RISKS

Given the nature of project infrastructure development-related activities in an environment of fragility, conflict and violence, it is anticipated that there will be several key labor risks as discussed in sub sections below:

5.1: Key Labor Risks

The key labor risks which anticipated for the project are:

- Failure of employers to comply with national laws and ESS2 on terms and conditions of employment. Failure of employers to provide adequate occupational health and safety equipment and to manage the labor force in line with national law and ESS2 in relation to occupational health and safety, including resulting in accidents and injuries among workers. This might trigger labor disputes where workers dispute over limited employment opportunities, labor wages/rates and delays of payment, discrimination in labor recruitment, disagreement over working conditions (particularly overtime payments and adequate rest breaks), and health and safety concerns about the work environment. Further, there is a risk that employers may retaliate against workers for demanding legitimate working conditions, or raising concerns regarding unsafe or unhealthy work situations, unfairness at work, or any grievances raised, and such situations could lead to labor unrest and work stoppage.
- Incidents of child labor: for Child labor: the need to earn an income may force underage children to seek employment at construction sites as casual laborers in digging foundation for the transmission towers as well as holes for the transmission lines. Contractors need to verify the age of the workers using the national identity card, or selection based on the contractor's previous profile, maintain ID copies at worksites, do periodic labor inspection, etc.
- Incidence of Forced labor in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable – women and girls forced into prostitution, migrants trapped in debt bondage, and workers kept there by clearly illegal tactics and paid little or nothing. Forced labor risk is likely. However, the project will mainly involve the line Ministries and PIU. However, there may be potential risks related to construction works. The Project will not allow any form of forced, child labor, slavery, servitude, trafficking and all applicable ESS 2 provisions. It will hold all contractors liable for the implementation of the LMP, the PIU will have overall responsibility to monitor the implementation of the LMP.
- Security risks from the Al Shabab and communal conflict, which could threaten the life, health and safety of project workers. With Al-Shabaab still in control of parts of the country and their attacks frequently targeting government and other strategic infrastructure and persons in urban areas, the security risk for the project workers is substantial. Other security threats / issues include theft, vandalism and looting of parts,

and/or unauthorized access to the construction site, in addition to other impacts from hiring security personnel.

- Security risks, including possible abuses, to project workers and local communities arising out of activities of security personnel engaged by the project to protect project property and personnel.
- Gender-based violence / Sex Exploitation and sexual harassment, as well as transmission of HIV/AIDs. Covid 19 and other communicable diseases, among project workers and between project workers and local communities. Sexual harassment, exploitation and abuse: there are several concerns on the potential for GBV, increased risk of abuse and exploitation for vulnerable women workers, increased risk of sexual exploitation and violence of persons involved in the labor related activities. Thus, all staff and contracted workers should sign a code of conduct outlining expected standards of behavior in this regard and attend an awareness session on the same including the consequences of such actions.
- recruitment and employment Labor discrimination against vulnerable and disadvantaged groups, including IDPs, unemployed youth, women, minority clans and ethnic minorities persons with disabilities, persons with HIV/AIDs.
- Lack of access by project workers to worker grievance mechanism to address workplace related complaints, including workplace sexual harassment.
- Large-scale influx of transient male workers into small and often rural host communities with low capacity to absorb the sudden increase of workers

Anticipated Labor management risks and mitigation measures are highlighted in **Table 7**:

Table 7: Detailed Labor Project Labor Risk Analysis

Labor Risk		Magnitude, extent, timing, likelihood, and significance of these risks
1.	Occupational Health & Safety	<ul style="list-style-type: none"> ○ Project workers and Community members may be exposed physical hazards on the project site ○ Project workers may be exposed to Health and Safety risks associated with workers working in confined areas or workers working at heights such as on towers. ○ Project workers and Community members may be exposed to Health and Safety Risks associated with fire at campsites or electric related fires at active work sites ○ Project workers and Community members may be exposed to traffic and road safety hazards
2.	Labor Influx	<ul style="list-style-type: none"> ○ The Project might attract large numbers of workers from other regions seeking employment ○ This influx is compounded by an influx of other people who follow the incoming workforce with the aim of selling them goods and services, or in pursuit of job or business opportunities Labor
3.	Forced Labor	<ul style="list-style-type: none"> ○ The Project might result to Incidence of Forced labor in form of debt bondage and trafficking for little or no pay. The victims are the most vulnerable – women and girls forced into

Labor Risk		Magnitude, extent, timing, likelihood, and significance of these risks
		prostitution, migrants trapped in debt bondage,
4.	Security Issues i.e Attack Alshabab	<ul style="list-style-type: none"> Communal conflict, could threaten the life, health and safety of project workers. Security risks, including possible abuses, to project workers and local communities arising out of activities of security personnel engaged by the project to protect project property and personnel. The Presence of security personnel, who can provide protection but can also abuse their positions of power and status to perpetrate SEAH/GBV risks.
5.	GBV Incidences	<ul style="list-style-type: none"> Male workers transporting goods related to the project (e.g. truck drivers), who can perpetrate SEAH/GBV risks on routes and at truck stops associated with the project, even if not on the project site. Poorly designed or maintained physical spaces on project sites and in worker accommodation for example bad lighting in and around grounds and access routes could harbor perpetrators Informal workers, whose informality means they may either be more vulnerable to SEAH/GBV risks due to lack of contracts or that potential perpetrators may go unidentified due to lack of background checks
6.	Infrastructure and Equipment Design and Safety	<ul style="list-style-type: none"> Project workers may be affected by operational accidents or natural hazards, including extreme weather events, during the construction and operation of project-funded facilities, including the fiber-optic lines and associated facilities.
7.	Safety of Services	<ul style="list-style-type: none"> Project workers may be exposed to risks at quarries or excavation works, such as rock falls or hazardous equipment, while the fiber optic lines and associated facilities are under construction. At the construction sites, the workers also stand at risk of using contaminated water and the attendant spread of diseases.
8.	Emergency Preparedness and Response	<ul style="list-style-type: none"> Project workers may be exposed to risks arising from emergencies occurring during the life of the project. The emergencies may occur as a result of both natural and man-made hazards, and may be in the form of fires, explosions, leaks, or spills, which may occur for a variety of different reasons, including failure to implement operating procedures that are designed to prevent their occurrence, extreme weather, or lack of early warning.
6.	Labor Discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans and ethnic minorities, such Labor	<ul style="list-style-type: none"> The Project may result to discrimination against vulnerable and disadvantaged groups including IDPs, unemployed youth, women, minority clans Project may fail to hold sensitization meetings on resources planning and conflict resolution mechanisms. The contracts with third parties may fail to include non-exclusion requirements as part of the monitoring system.
8.	Grievances from	<ul style="list-style-type: none"> The PIU may fail to prepare the Grievance Redress Mechanism

Labor Risk		Magnitude, extent, timing, likelihood, and significance of these risks
	contractual workers This could result from delay in payment of wages, uncomfortable working conditions, work areas and work design.	<ul style="list-style-type: none"> (GRM) to address labor grievances. Constitute the Grievance Redress Committees may fail to be inclusive Awareness creation for the workers on their rights and obligation may not be properly undertaken Supervise of labor activities by government entities.
9.	Spread of COVID 19 Infections and HIV	<ul style="list-style-type: none"> Project workers and Community members may be exposed activity contribute to the spread of disease (eg COVID 19 and other Communicable Diseases such as HIV and AIDs)

The construction activities to be implemented by the project will be guided by an Emergency Response Plan (ERP) that will be developed by the project coordination team with the support of the Environment Specialists (who shall be the coordinator of the ERP), Occupational Safety and Health Officers, Public Health Officers (PHOs), Contractors and the Ministry of Information Communication and Technology.

The PIU at the ministry shall designate an officer to serve as the Emergency Operations Coordinator (EOC) who will be the main contact for the MICT in an emergency. Project workers on the fiber optic construction sites shall be vetted for a suitable candidate to act as the ERP point person, and who shall be trained to handle such cases during operating phase. The ERP will include engineering controls (such as containment, automatic alarms, and shut-off systems) proportionate to the nature and scale of the hazards identified at the workplace or construction sites, identification of, and secure access to, emergency equipment available on-site and nearby, and appropriate notification procedures for both project workers, stakeholders and designated emergency responders.

The plan shall also include the use of diverse media channels for notification of the affected community and other stakeholders, as well as training programs for emergency responders including drills at regular intervals. The project workers will be apprised of public evacuation procedures and furnished with the contact details of the designated coordinator for ERP implementation (i.e., the project's Environmental Specialist). The plan shall also highlight the measures for restoration and clean-up of the environment following any major accident.

Table 8: Labor and Working conditions (ESS2) and Community Health and Safety Risks – ESS4

Risk	Analysis	Mitigation
ESS2		
Terms and conditions of employment	<p>The Labor Code 1972 stipulates that remuneration must be adequate in view of the quality and quantity of the work delivered, and must be non-discriminatory in regard to age, gender and other aspects.</p> <p>The ESS2 provides for the promotion of fair treatment, non-discrimination, and equal opportunity of project workers.</p>	<p>Project workers will be provided with information and documentation that is clear and understandable regarding their functions, 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 ESS2. 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</p> <ul style="list-style-type: none"> -The documentation will be translated into Somali and read out to workers who may not be literate -The workers will be provided with accessible and safe means to raise workplace concerns. This will be done through the workers' GM under ESS2 and project grievance mechanism as well as formation and joining of collective bargaining bodies
Labor disputes	<p>The contractor and primary suppliers will have workers who will be involved in the construction aspects of EARDIP. Potential Labor disputes may arise due to interpretation, application and/or breach of collective bargaining agreement (CBA), individual contract regarding conditions of employment, variation or change of job descriptions (JD), fringe benefits, hours of work, and wages either negotiated or of already agreed terms. Labor disputes may also arise due to disagreements amongst the workers and between workers and the contractors, primary suppliers, and community workers. hours of work, and wages either negotiated or of already agreed terms.</p>	<p>The project shall adhere to the requirements proposed in the project LMP including:</p> <ul style="list-style-type: none"> • Fair terms and conditions shall be applied to all project workers (guided by relevant laws) • The project shall have GMs for project workers (direct workers, contracted workers, primary suppliers and community workers) to promptly address their workplace grievances. The social specialist at the PIU will ensure the GM is functional accessible. • The project shall respect the workers' right to join Labor unions and freedom of association
Occupational health and safety	<p>The project activities during construction and operational phases, which include the construction of fiber optic lines, other amenities, installation of ICT equipment and operational phase activities may be associated with OHS risks including physical hazards, such as slip and falls from</p>	<p>The measures listed are representative but not necessarily complete, and a final complete set of all OHS management measures (avoidance, mitigation, monitoring, training, capacity, etc.) needed for project supported infrastructure construction. These will be established in ESMPs as necessary. This should be based on the WBG's EHS General Guidelines (EHSGs).</p> <ul style="list-style-type: none"> -The contractors shall provide the workers with the

Risk	Analysis	Mitigation
	<p>heights associated with working on ladders, elevated noise, possible electrocution of the workers/staff, and exposure to air pollution hazards, including elevated dust levels and exposure to COVID-19 and other contagious diseases, as well as potential exposure to asbestos-containing materials, if there are any old structures to be removed along the corridor to be affected by EARDIP civil works.</p>	<p>required PPE and always enforce use while at the worksite.</p> <ul style="list-style-type: none"> -The contractors should keep emergency and first aid tool kit in the sites, which will be replenished once used -The equipment used in the works should be routinely serviced to ensure proper and safe functionality -Carry out job risk assessment (analysis of hazards likely to exist and precautions required) before executing the assignment, and at different intervals as may be practically possible to ensure safety assurance -Use of safety signage “MEN/WOMEN AT WORK” or “Object Falling” to warn the project staff and other workers on site -Provision of adequate signage and communication in Somali language of risks to workers and community members -Hazardous areas should be clearly marked with signs easily understood by workers, visitors and the general public, as appropriate -Contractor workers should be trained in the use of temporary fall prevention devices, such as rails, full body harnesses and energy absorbing lanyard -Electrical works should be performed by trained and qualified experts -Ensure that electrical equipment is properly connected before switching on sockets -Use only the standard electrical connectors when joining extension leads or cables -In case of any spillage at work areas, the contractor should clean the spillage immediately, anti-slip hazard warning signs should be used when mopping floors to reduce chances of slip falls -Installation of different type of fire extinguishers -Training of staff and the relevant team members on the use of the fire extinguishers <p>There will be an elaborate health and safety requirement which will address the OHS risks in every subproject, including hazard analysis, health and safety plans among others.</p>
<p>Discrimination of employment based on gender, disability or ethnicity</p>	<p>The risk of discriminating based on gender, disability and ethnicity/clannism in recruitment exists especially at the local level during the construction component of the project. There is also a risk of bias in the recruitment of workers.</p>	<p>Decisions relating to the employment or treatment of project workers will not be made based on personal characteristics unrelated to inherent job requirements. The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination 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 CoC, to be signed by all workers, is aimed at preventing and</p>

Risk	Analysis	Mitigation
		<p>addressing harassment, intimidation and/or exploitation.</p> <p>-Contractors will be compelled to offer a written undertaking and commitment to safeguard the interests of women, provide appropriate sanitation facilities at the workplace and appropriate PPE for women and persons with disability (in accordance with WBG's EHSs).</p> <p>-Employees and workers (through a separate Workers' GRM) will equally have unfettered access to the GM channel to raise their concern</p> <p>-The social specialist will routinely and periodically supervise and monitor the contractor's approach and actions to ensure that no cases of discrimination occur or if they occur, they are addressed immediately through the appropriate channels.</p>
Use of child Labor	The Labor Code 1972 prohibits work for children below the age of 15 years and makes special provisions for workers aged 18 years and below.	<p>The Project will only allow deployment of workers in line with the Labor Code 1972 in all project worker categories – and the project's cutoff age shall be 18 years of age or older for project workers.</p> <p>-The project will require the implementation of age verification procedures by contractors for all its prospective employees, the verification procedure will be shared and verified by the social specialist.</p> <p>-The contractor will keep a list of all the workers at the site together with their details including age. These data will be shared periodically and on demand with the PIU and World Bank</p> <p>-The PIU will work closely with the State and District Labor Inspectors to ensure and monitor compliance of the contractor with the Labor code and the ESS2</p>
Labor influx	There is likely to be some minor movement of people from areas outside the project area to provide Labor, deliver goods and provide services during the construction of the fiber optic lines. Such movements may result in increased demand and competition for local goods and services, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime, including GBV cases.	<p>Contractors, who may develop camps for workers based on need, will develop Camp/Worksite Management Plans to ensure that the requirements for managing such camps/worksites are adhered to (including restricted entry and exit) and respectful relations with communities in the project area</p> <p>-Contractors shall ensure that all non-technical work is reserved for local people (identifiable with the host communities and witnessed by host community leadership)</p> <p>-All workers will be required to sign a CoC that will be enforced by all contractors</p> <p>-An abbreviated CoC will be produced and displayed in all facilities and offices implementing and of interest to the project</p> <p>-Broadly share information among the workers on the availability of safe and accessible GM and the presence of GBV/SEAH focal persons including contacts of the social specialist for the project.</p>
Infrastructure and Equipment Design	Project workers may be affected by operational accidents or	The project will ensure that the design, construction, operation, and decommissioning of

Risk	Analysis	Mitigation
and Safety	natural hazards, including extreme weather events, during the construction and operation of project-funded facilities. Poorly designed infrastructure components can also result in harm to project workers and the larger community.	infrastructure components shall be in accordance with the EHSs and other GIIP, taking into consideration safety risks to project workers (in addition to third parties and affected communities). The structural elements of the project shall be designed and constructed by competent professionals and certified or approved by competent authorities or professionals. Structural design will take into account climate change considerations, as appropriate.
Safety of Services	Project workers may be exposed to risks at quarries or excavation works, such as rock falls or hazardous equipment. The workers also stand at risk of using contaminated water and the attendant spread of diseases.	The project will need to ensure the use of competent contractors who can mitigate other risks, including electric shock from electrical cabinets or cables or poor waste disposal. The ministry shall also apply the concept of universal access for both project workers and project beneficiaries.
Emergency Preparedness and Response	Project workers may be exposed to risks arising from emergencies occurring during the life of the project. The emergencies may occur as a result of both natural and man-made hazards, and may be in the form of fires, explosions, leaks, or spills, which may occur for a variety of different reasons, including failure to implement operating procedures that are designed to prevent their occurrence, extreme weather, or lack of early warning.	To mitigate this, the project shall, through the Emergency Response Plan, identify and implement measures to address emergency events. The ERP shall comply with ESS4's requirements on ERP as elaborated by the ESF Guidance Note for Community Health and Safety. ⁸ The project team shall develop a standard ERP which shall be structured to cover project workers on the civil works construction corridor on matters to do with natural and man-made risks/disaster events. The project's Environmental Specialist will be appointed as the coordinator for the ERP and given the necessary training as required.
Spread of diseases in communities, including HIV/AIDS and COVID-19 through project activities	The nature of the project (congregating hundreds of project workers through the fiber corridor) may lead to increased risk of COVID-19 infections. In addition, there is a risk of HIV infections through interactions between and among workers and community members in the ROW.	Communication on risks of infection with HIV/AIDS and COVID-19 will be conducted through locally appropriate means – targeting workers, learners and communities. -The contractors and suppliers will be required to create awareness on HIV/AIDS and COVID-19 among the workers and in the communities. -The contractors and suppliers will be expected to facilitate the provision of health services to their staff who contract COVID-19 while engaged by the project. -Implementation of the CoC, to be signed by project workers and enforced by all contractors, will also address this risk.
Management of wastes including e-waste and hazardous wastes	Hazardous wastes must be handled or disposed of properly to prevent harm to human health and safety and to the environment. All workers will be required to use PPE (including gloves and masks) which will need	The contractors will follow a Waste Management Plan as part of the C-ESMP, which will be used to ensure that all waste from the project is appropriately disposed. In particular, the project team shall ensure the appropriate management of hazardous waste, including the timely collection, transportation, disposal, and monitoring of wastes

⁸ See the requirements as elaborated by ESF Guidance Note for Community Health and Safety: <https://documents1.worldbank.org/curated/en/290471530216994899/ESF-Guidance-Note-4-Community-Health-and-Safety-English.pdf>

Risk	Analysis	Mitigation
	to be disposed in line with the provisions of Somalia's Ministry of Health (MoH) and WHO. There will also be waste from the communication equipment and materials used by the project that would require appropriate disposal.	disposal sites. The PIU shall ensure that no hazardous wastes are often disposed directly into the environment, posing health and environmental risks. All measures are to be aligned with provisions of the WBG's EHSs. -There will be supervisory site visits by the environmental specialist and the PIU to enforce this requirement
Insecurity	The main security threats associated with the project include attacks on workers (direct, contract, community and suppliers) and theft of project materials and equipment. Further, banditry within the project's right of way corridor may pose a threat to the implementation of the project.	All workers and ministry staff involved in the field operations shall be oriented on security threats and guidance provided in the project Security Management Plan. -
Traffic related hazards	There is high risk associated with traffic and road safety hazards during the construction phase in relation to the collection, supply and delivery of materials and equipment for the project.	Use of competent drivers with defensive driving techniques -PIU staff shall regularly inspect vehicle safety and maintenance - the details of all vehicles being used for the project shall be recorded and details captured. -Only road worthy vehicles and trucks shall be used in transportation of project equipment and materials to avoid frequent breakdowns and risks of road accidents. -All drivers and loaders shall sign the CoC and provide security clearance or a surety from the local community leaders -Drivers (especially going to high insecurity areas) shall follow guidance on safe emergency driving. -Ensuring vehicles with restricted rear visibility are outfitted with audible back-up alarms. -Install speed limit signs at all schools/offices and require deliveries to obey speed limits. -All fleet handling deliveries shall observe speeds limits to a maximum of 50 kph out of major towns but 10 kph in towns or near offices and schools.
Fire risk	Without provisions for fire safety, there is a risk of fire outbreaks construction/renovation works especially in the use of electric tools such as hand drills. Fires can start from ignitable materials, cigarette smoking, or old electrical connections malfunctioning.	PIU shall conduct a fire risk assessment, which shall evaluate and characterize all relevant risks, including fire and other manmade or natural events/disasters. The project will ensure that the appropriate mitigation measures be included in the ERP and resources provided. Contractor shall provide fire suppression facilities including fire extinguishers/fire blankets to the project teams. -Key staff at the PIU shall be trained on basic skills in fire control. -Undertake regular fire and security drills at project sites to test emergency response and use the results to improve on the response mechanisms.
GBV/SEAH	Labor influx and the movement of the project staff (contractors,	The project shall adhere to the measures proposed in the GBV Action Plan and Stakeholder

Risk	Analysis	Mitigation
	<p>suppliers and PIU team) from one location to another especially during fiber construction may result in GBV and SEA such as unwelcomed sexual advances, abuse between project workers and the community. There is also a risk of SH among the workers.</p>	<p>Engagement Plan (SEP). A GBV Service Provider will be recruited to be responsible for all aspects of prevention and management of GBV. The mitigation measures will include:</p> <ul style="list-style-type: none"> • Sensitize project workers and the PIU staff and beneficiary communities on GBV/SEAH • Sensitize communities and project workers on GBV/SEAH and the referral pathways • All project personnel to be sensitized on GBV/SEAH as well as the beneficiary communities • The CoC, to be signed by the workers contains provisions on GBV/SEAH

CHAPTER 6: KEY PROCEDURES, MONITORING, REPORTING AND BUDGET

6.3 Key Procedures

The EA-RDIP is guided by the recognition of the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. The EA-RDIP will promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions, this will be achieved by conforming to procedures discussed below.

6.3.1 Recruitment and Replacement Procedure

The objective of this procedure is to ensure that the recruitment process and placement of direct and contracted workers (see procedure below for community workers) is conducted in a manner which is non-discriminatory and employees are inducted to all essential work-related matters.

The procedure is listed below.

1. Hiring entity submits a recruitment plan to the PIU for review and approval. The following details will be shown;
 - Number of staff required
 - Intended working condition iii. Intended locations of staff
 - Job specifications in terms of qualification and experience
2. Hiring entity publishes the job invitation in the appropriate media (local press or direct invitation for contracted worker, or word of mouth through local leaders for the hiring of workers from local communities) to ensure all potential candidates have access to the information, including women, actively addressing risks of nepotism.
3. Shortlist and recruit candidates ensuring the following;
 - As much as possible, 50% shortlisted candidates are women.
 - As much as possible, 50% engaged employees are women.
 - Screen off candidates under the age of fifteen years.
4. On recruitment, ensure a contract of employment is signed voluntarily, for both direct and contracted workers.
5. Before commencement of work, hiring entity will ensure employee is inducted on the essential work related issues as listed in appendix B, which include the following;

- Key Job Specifications
- Terms and Conditions of Employment
- Special Codes of Conduct
- Disciplinary Procedures
- Workers' Grievance Mechanism
- Freedom to join and participate fully in Workers Association activities or Trade Union
- Key Environmental and Social aspects of the EA-RDIP and the ESMF
- Emergency Preparedness

6. Maintain all such employment records available for review by the PIU, the World Bank, or Regulatory Authority.

6.3.2 Workers' Grievance Redress Procedure

As provided by ESS 2 para 21 to 23, a grievance mechanism 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 reprisal for its use. Measures will be put in place to make the grievance mechanism easily accessible to all such project workers. The worker grievance mechanism as discussed in this LMP is separate from the general project GRM.

The objective of this procedure is to ensure that, in line with ESS2, a grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns, including in relation to workplace sexual harassment. Contractors will develop contractor LMP including provision to establish and maintain worker grievance for their employees/workers in line with ESS2

Measures will be put in place to make the grievance mechanism easily accessible to all such project workers Prepare Worker Specific Grievance Mechanism for workers (Direct workers) as per this LMP. Workers will be informed of the grievance mechanism at the time of recruitment and the measures put in place to protect them against reprisal for its use.

The LMP provides that workers can submit complaints about sexual harassment from other workers under the ESS2 grievance mechanism, workers can also submit complaints about sexual harassment from other workers through the general project GRM. Furthermore, persons from local communities who have complaints about SEA/SH/GBV in relation to project workers, are to use the general project GRM presented in the ESMF.

The procedure is listed below.

1. All contractors and the UN only to contract sub- contractors with registered code of conduct or who sign an undertaking to comply with the provisions of the Labor Act for contracted workers and contractors who will comply with community meetings resolutions on applicable rules in the case of community workers.
2. Contractors induct the employee on the applicable workers' grievance redress mechanism. Induct all project workers to be aware of their rights. All records of induction shall be kept and made available for inspection by the PIU or the World Bank.
3. In case of violation, the aggrieved employee must capture and present the details of the grievance to the person they report to or the supervisor's superior in case of conflict of interest.
4. The supervisor will verify the details and seek to address the matter within the shortest time up to 48 hours.
5. The supervisor will escalate the matter if not resolved within 48 hours until a resolution is found or not found.
6. Where no resolution is found, the employee can escalate the matter to the sector specific institutions or courts who will resolve the matter between employer and employee. The Supreme Court's decision is final.
7. Where the formal courts are not accessible, do not exist in an area, or cannot render a judgment, the matter shall be reported to and handled by the PIU, for example through the Project Grievance Redress Mechanism (GRM). The PIU, in this case, will accommodate a fair agreement between the worker and the contractor.
8. The Contractor shall keep records of all proceedings of grievance redress that are within its jurisdiction and furnish the PIU as part of the periodic progress reporting to the PIU.
9. All grievances of sexual nature (GBV/sexual harassment/Sexual Exploitation and Abuse) should follow the EA-RDIP GBV/SEA Action Plan referral pathways and complaints resolution mechanism.
10. In case of risk of retribution, the employee may immediately escalate to the court system or to the PIU as noted under. If confidentiality is requested, the PIU will ensure it to avoid any risk of retribution, including in its follow-up actions.

6.3.3 Occupational Health and Safety Procedures

The objective of the procedure is to achieve and maintain a healthy and safe work environment for all project workers (contracted workers and community workers) and the host community in line with national law and ESS2.

1. On procurement for contractors, the PIU will avail the ESMF including all separately prepared and all Sub Plans such as the LMP to the aspiring contractors so that

contractors include the budgetary requirements for occupational health and safety and community health and safety measures in their respective bids.

2. The contractor will develop and maintain an occupational health and safety management system that is consistent with the scope of work, duration of contract and IFC General Environmental Health and Safety Guidelines (EHSGs) on Occupational Health and Safety which can be found at

<http://www.ifc.org/wps/wcm/connect/9aef2880488559a983acd36a6515bb18/2%2BOccupational%2BHealth%2BAnd%2BSafety.pdf>.

3. Contractor will adopt the sub-project ESMPs and where necessary develop Construction Environmental and Social Management Plans (C-ESMPs) to help manage construction risks.
4. Contractor appoints an appropriately qualified and experienced Safety Health and Environmental Officer whose responsibilities is to advise the employer on Health and Safety related issues.
5. Contractor prepares task specific risk assessment (TRA) and safe working procedures (SWP) for executing works;
6. Contractor provides preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances informed by TRA and SWP.
7. Contractor provides for appropriate training/induction of project workers and maintenance of training records on occupational health and safety subjects including TRA and SWP.
8. Contractor documents and reports on occupational accidents, diseases and incidents.
9. Contractor provides emergency prevention and preparedness and response arrangements to emergency situations including and not limited to;
 - Workplace accidents
 - Workplace illnesses
 - Flooding
 - Fire outbreak
 - Disease outbreak
 - Labor unrest and
 - Security
10. Contractors to comply with all requirements of applicable occupational Health and Safety legislation and Environmental legislation including WB EHS guidelines.
11. Contractors shall maintain all such record for activities related to the safety health and environmental management for inspection by the PIU or The World Bank.

6.3.4 Contractor Management Procedures

This procedure confirms that the PIU has contractual power to administer oversight and action against contractor noncompliance with the LMP.

The procedure is detailed below

1. The PIU shall avail all related documentation to inform the contractor about their requirements for effective implementation of the LMP.
2. Before submitting a bid for any contract, the contractor shall incorporate the requirements of ESMF and the LMP
3. Contractor to formulate, implement and review contractor specific Management Plans (C- ESMPs) as required by the ESMF and specifically the LMP including
 - Occupational health and safety plans
 - Labor Recruitment Plan
 - Code and Conduct for employees
 - Waste management plan
 - Emergency plan
4. Contractor to submit the progress reports on the implementation of the LMP and allow the PIU access to verify the soundness of the contractor's implementation of the requirements of the LMP.
5. Where appropriate, the PIU may withhold contractor's payment until corrective action(s) is/are implemented on major noncompliance to the LMP. The following are some of the major noncompliance that contractors need to take note of;
 - Failure to submit mandatory quarterly progress report
 - Failure to avail for inspection specified documentation pertaining to the implementation of the ESMP, C-ESMP and LMP
 - Failure to timely notify and submit incident and accident investigation report
 - Failure to appoint or replace a competent and experienced EHS officer
 - Failing to enforce C-ESMPs including provision of adequate appropriate PPE
 - Recruitment of nontechnical staff from outside the local community.

6.3.5 Labor Influx Procedure

The objective of this procedure is to capacitate the PIU all implementers and contractors to mitigate the labor influx risk and impacts. The influx of workers and followers can lead to adverse social and environmental impacts on local communities, especially if the communities are rural, remote or small. Such adverse impacts may include increased demand and

competition for local social and health services, as well as 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, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behavior and crime, including GBV cases.

The procedure is listed below

1. Contractor shall ensure that all non-technical work is reserved for locals (identifiable with the host community and witnessed by host community leadership)
2. Beneficiary selection and employment recruitment should verify the authenticity of the localness of potential employees.
3. Contractor liaises with local leadership on enrolment for community workers while at the same time ensuring that no grievances derive from nepotism via utmost transparency in the selection process, announcing hiring campaigns early enough in community consultations and/or other outreach activities.
4. Where there are camp establishments, Contractor shall ensure camp management and community relations are good. If labor camps are required, special management plans need to be developed, or if smaller establishment, camp management reflected in the ESMP.
 - Security within camp
 - Social relations with community members should be cordial and consistent with GBV and SEA
 - Waste management
Water and sanitation
 - Proper camp demobilization
5. Establish code of conduct for contracted workers' interaction with the host community. This may include;
 - Access to camp by children, non-employed girls and women
 - Appropriate language
 - Time restrictions where required
 - GBV/SEA
 - Good conduct if small numbers of workers are accommodated in communities rather than camps (requirements on when to establish a camp shall be included in the POM)
6. Contractors should have own supply of, pay for accommodation offered by community to contracted employees.
7. Contractor shall ensure that local supply shall not negatively impact the availability of resources for the local communities and sourcing of local wildlife shall be prohibited.

8. Contractor shall provide a fully equipped first aid kit.
9. Contractors to mainstream HIV issues in the workplace by providing HIV prevention training during induction and continuously during employment through health and safety talks.
10. Contractor to have, be fully aware of and be ready to implement the Workers' Grievance Redress Mechanism since they are the face of the Project on the ground.

6.3.6 Procedure for Primary Suppliers

Primary supply workers are employees of suppliers who on an ongoing basis, provide goods and services to the Project. Although suppliers may be sub-contracted by other implementers, the PIU has oversight on the implementation of the LMP requirements in this category.

The objective of the procedure is to ensure that labor related risks, especially child and forced labor as well as serious safety issues to the Project from primary supply workers are managed in line with the requirements of ESS2.

The procedure is detailed below.

1. Procure supplies from legally constituted supplier. The legal registration ensures that the company is legally obliged to comply with all applicable labor laws in Somalia, which makes it possible to assume mainstreaming of the labor laws within the supplier's firm. This will include ensure evidence of Certificate of incorporation
2. Make a physical check on the supplier's labor management system, including;
 - Occupational safety and health
 - Any past work related environmental or occupational incidents
 - Age restrictions (18 and above)
 - Employment is voluntary

6.3.8 Procedure for Non-Discrimination and Equal Opportunity

In accordance with ESS 2, this procedure ensures that decisions relating to the employment or treatment of Project workers will not be made on the basis of personal characteristics. It will be based on the principle of equal opportunity and fair treatment. The objective of this procedure is to ensure that recruitment and treatment of Project workers is based on the principle of equal opportunity and fair treatment.

Procedure

The PIU and all contractors/implementers will apply the following guidelines when dealing with workers.

1. there will be no discrimination with respect to any aspects of the employment relationship, such

- 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
2. harassment, intimidation and/or exploitation will be prevented or addressed appropriately
 3. Special measures of protection and assistance to remedy discrimination or selection for a particular job will not be deemed as discrimination.
 4. vulnerable Project workers will be provided with special protection on security risks under the project, these include:
 - Women
 - Persons with disabilities
 - IDPs
 - Persons from ethnic/clan minorities
 - Persons from religious minorities
 - Persons with HIV/AIDs or serious illness

6.4 Monitoring and Reporting

Monitoring and reporting: The PIU shall report on the status of implementation of the above policies and procedures on a quarterly basis. The PIU will closely monitor labor and OHS performance of the project and report to the World Bank on a quarterly basis.

Fatality and serious incidents: In the event of an occupational fatality or serious injury, the PIU shall report to the World Bank as soon as it becomes aware of such incidents and inform the MoICT in accordance with national reporting requirements, typically within 24 hours for a fatality, 48 for a serious injury. Corrective actions shall be implemented in response to project-related incidents or accidents. The PIU or, where relevant a consultant, may conduct

6.5 Budget for Implementation of LMP Activities

Table 8 below provides an indicative budget developed for implementing the LMP

Table 9: Indicative Budget for LMP Activities Implementation

Item	Estimated Budget (USD)/ per Annum
Implementation of OHS Provisions	50,000
Implementation of Workers Grievance Redress Mechanism	50,000
Travel expenses of staff on LMP activities	100,000
Training Cost on LMP Provisions	100,000
Stakeholder Consultations on LMP Matters	50,000
Sub Total 1	350,000
Contingency Item 10%	35,000
GRAND Total	385,000

ANNEXES

Annex 1: Guidelines on Code of Conduct

Guideline on Code of Conduct

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

DOs

1. Wear always prescribed and appropriate personal protective equipment on site.
2. Wash hands, always sanitize and observe social distancing and follow WHO and the government SOPs and updated guidelines.
3. Seek healthcare if you experience any of the following symptoms (while at home or work): cough, fever and shortness of breath.
4. Prevent avoidable accidents and report conditions or practices that pose a safety hazard or threaten the environment.
5. Treat women, children and elderly men, vulnerable persons, persons from the minority communities and persons with disabilities with respect regardless of race, color, language, religion, or other status.
6. Report any violations of this code of conduct to workers' representative, HR or grievance redress committee. No employee who reports a violation of this code of conduct in good faith will be punished in any way, and
7. Comply with all labor legislative and regulatory requirements.

DON'Ts

1. Expose other people to the risk of infection in any form including risks of occupational health and safety.
2. Leave personal protective equipment lying within the project site.
3. Come to work if you or any of your family members has any symptoms of COVID-19 (cough, fever and shortness of breath). Report immediately to your supervisor if you or family member has any of these signs.
4. Make unwelcome sexual advances to any person in any form.
5. Have sexual interactions unless full and equivocal consent is given and there is no form of material or other coercion, and
6. Use alcohol or narcotics during working hours.

Annex 2 : Sample CoC

Suggested CoC Template on the Company Headed Paper

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. 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:

- 1) Carry out his/her duties competently and diligently
- 2) 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
- 3) 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
 - Using appropriate measures relating to chemical, physical and biological substances and agents
 - Wearing required personal protective equipment
 - Following applicable emergency operating procedures.
- 4) 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
- 5) Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children
- 6) 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.
- 7) 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.

- 8) 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.
- 9) Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage.
- 10) Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, and Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH).
- 11) Report violations of this Code of Conduct.
- 12) 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 gender-based violence, 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 with relevant experience*] requesting an explanation.

Name of Contractor's Personnel: [insert name]

East African Regional Digital Integration Project
(EA- RDIP)

Labor Management Plan

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

Annex 3: Behaviour constituting of SEA & SH

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

Sexual exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation and abuse also includes sexual relations with a child, in any context, defined as:

Child - a “human being below the age of eighteen years”.

Examples of acts of sexual exploitation and abuse;

- Sexual assault (defined as “any unwanted or forced sexual act committed without consent”) or threat thereof. Sexual assault can occur either against a person’s will, by force or coercion, or when a person is incapable of giving consent, such as when they are under duress, under the influence of drugs or alcohol. Force includes:
 - 1) actual physical aggression, including but not limited to: rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing).
 - 2) threats of physical aggression.
 - 3) emotional coercion; and/or
 - 4) Psychological blackmailing.
- Unwanted touching of a sexual nature
- Demanding sex in any context
- Making sex a condition for assistance
- Forcing sex, forcing someone to have sex with anyone
- Forcing a person to engage in prostitution or pornography
- Refusing to use safe sex practices
- Videotaping or photographing sexual acts and posting it without permission
- Alleging or threatening to allege that anyone already has a history of prostitution on legal papers
- Name-calling with sexual epithets
- Insisting on anything sexual, including jokes that may be uncomfortable, frightening or hurtful.
- Telling someone that they or anyone else are obliged to have sex as a condition for anything.