



**The Republic of
Uzbekistan State
Committee on Forestry**

**Uzbekistan Resilient Landscapes Restoration
Project**

P174135

LABOR MANAGEMENT PROCEDURES

Tashkent, Uzbekistan

March 2022

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1. INTRODUCTION

1.1. Project background and components and planned investments

The Project is part of the RESILAND CA+ Program, whose goal is to increase resilience of regional landscapes in Central Asia. The regional impact of the Program will be measured by aggregating the results of individual RESILAND CA+ country projects and monitoring the results of regional activities. The PDO is to increase the area under sustainable landscape management in selected locations in Uzbekistan and promote Uzbekistan's collaboration with Central Asia countries on transboundary landscape restoration.

The Project will be financed by a US\$142 million IDA credit, a US\$8 million PROGREEN Trust Fund grant, and a US\$3 million Korea-World Bank Partnership Facility (KWPF) Trust Fund grant. It will be implemented by the SCF over a five-year period. Project activities are grouped into the following four inter-related components, which are further grouped into sub-components.

Component 1: Strengthen Institutions and Policies, and Regional Collaboration. This component will finance consulting services, goods, training and workshops, and operating costs. Sub-component 1.1 will support the development of an appropriate policy and reform of the legal and institutional framework to restore and sustainably manage forest landscapes in Uzbekistan. It will develop the country's first National Forest Inventory (NFI), which will serve, among other, to enhance planning capacities in support of Uzbekistan's LDN and NDC targets. Sub-component 1.2 will support the development of an ICT Platform for FLR and forest management within the Forest Design Institute (*O'rmonloyikha*) of the SCF, in support of data-based decision making on forest and landscape management planning, including afforestation, reforestation and other FLR investments. Sub-component 1.3 will promote Uzbekistan's collaboration with Central Asia countries on transboundary landscape restoration by setting up a regional online database for sustainable landscape management and restoration to facilitate policy and strategy harmonization, and for addressing new emerging climate threats at the regional level. The regional spillovers of this component are related to cross-fertilization of knowledge and harmonization of policies, standards, technologies, and consistency in evaluation methods for transboundary landscape restoration across Central Asia countries.

Sub-component 1.1: Strengthen Institutions and Policies. The sub-component will be implemented at the national level, focusing on SFF lands, PAs of various categories, and forested landscapes under other legal tenure categories/sectors. The targeted provinces will serve as pilots for policies and legislative measures and for implementation of pilot integrated land-use plans. The following five groups of activities will be supported: (i) development of a unified policy and institutional reform for forest landscape management, harmonization of the legal framework on forests and landscape management by drafting a comprehensive Forest Code that reflects the wider role of forests in landscapes and developing a national strategic plan (a master plan and an action plan) for FLR, forest management, and approaches for collaborative management with communities and user groups to address FLR. These deliverables will be submitted to the government for approval; (ii) setting up Uzbekistan's first NFI and a National Forest Monitoring System (NFMS) to provide data for decision-making on forest and landscape management and restoration; (iii) strengthening the capacity of the Forest Research Institute and conducting targeted applied field research work; (iv) developing human capacities for monitoring, planning, and implementing FLR and forest management and mobilizing rural schools as anchors for community mobilization; and (v) reviewing Uzbekistan's stated LDN targets and refining them based on new information from the NFI/NFMS on the degradation status, including submission of a revised communication document for government approval.¹

In the first two years of implementation, the Project will support the forest policy review process; provide support in harmonizing legislative texts; prepare, launch, and implement the first NFI; operationalize the NFMS, develop an applied research agenda tailor-made to the needs of the Project; and outline the

¹ See [NDC Uzbekistan 18-04-2017_Eng.pdf \(unfccc.int\)](#).

capacity building program. In the last three years of implementation, the NFI system will be in place; the FLR Strategic Master Plan will be developed; the new Forest Code will be drafted; a functional FLR monitoring system will be in place; and necessary capacity will be developed.

Sub-component 1.2: Develop an ICT Platform for Forest Landscape Restoration and Management.

Establishing an ICT Platform for FLR and forest management within the Forest Design Institute as a two-way forest management information system that: monitors afforestation, reforestation, natural regeneration forests, and forest land use changes; a disaster response information platform; forest big data with mobile application; and a decision support tool that produces tailor made recommendations on a set of forest-related subjects for decision making, planning, and monitoring of forest restoration and management operations, and disaster response and preparedness actions. This sub-component will benefit from the technical support of the Korea Forest Services (KFS), which has experience in the development of such ICT platforms. The sub-component will also finance the development of user-friendly guidelines for the Platform, purchase relevant ICT equipment for the SCF Forest Design Institute, and onboarding of SCF and *leskhoz* staff through training, including a specific focus for female staff. The new ICT Platform will also facilitate baseline mapping of NBT sites.

Sub-component 1.3: Strengthen Regional Collaboration. The objective of this sub-component is to promote Uzbekistan's collaboration with Central Asia countries on transboundary cooperation and landscape restoration, given the critical need to address emerging threats at the regional level, including impacts of climate change. Activities supported under the sub-component will be designed in support of the RESILAND CA+ Program, and enable better governance and management of shared resources, exploit economies of scale related to regional NBT, and facilitate collective action to address these and other common goals. It will allow countries to come together to address challenges, find regional solutions for shared challenges faced by multiple countries, and thus promote global public goods. Sub-component resources will finance the establishment and management of a regional online database on sustainable landscape management and restoration, attached to the Central Asian Climate Information Platform (CACIP) that is managed by the Executive Committee of the International Fund for Saving the Aral Sea and the Regional Environmental Centre for Central Asia (CAREC) under CAMP4ASB.² The regional online database will store and publish data and publications on sustainable landscape management and restoration and allow for a two-way dialog and knowledge exchange between various stakeholders on relevant subjects.

The sub-component will support the implementation of several key regional activities identified by the ICSD in its 10-year Regional Environmental Program for Sustainable Development, including: (i) development of an MoU for facilitating border-crossing for NBT in PAs and unique natural sites shared between countries, (ii) development of an MoU for using common modern methods of inventory of flora and fauna diversity, and ecosystem condition among transboundary corridors, (iii) development of a joint transboundary management plan for ecological corridors for migratory animals, and transboundary cooperation agreements for addressing issues of protection of key species and habitats, including PAs from fires, invasive species, etc., (iv) development of a protocol for using nature-based solutions, including erosion control and tree planting along roads to increase their resilience; and (v) development of an MoU for the designation of a transboundary 'Peace Park' between countries along the lines of the United Nations Convention to Combat Desertification (UNCCD) Peace Forest Initiative (2020).³

Component 2: Enhance Resilient Landscapes and Livelihoods. This component will finance works, consulting services, non-consulting services, goods, enterprise development matching grants, training and workshops, and operating costs. Sub-component 2.1 will finance the development of a robust forest and tree-based intervention packages to deliver production, service values, and restoration, leading to enhanced and sustainable forest landscapes in the Project corridors. Sub-component 2.2 will finance activities that will incentivize communities within the corridors to engage in landscape restoration and management practices by enhancing resilient livelihoods and improving the incomes of beneficiaries in

² URL: <https://ca-climate.org/eng/cacip.php>.

³ URL: <https://www.unccd.int/news-events/unccd-ready-welcome-countries-new-peace-forest-initiative>.

target areas. It will do so by providing financial and non-financial services to existing and new enterprises. *The regional spillovers of this component are related to improved connectivity and integrity of natural resource across borders (including biodiversity), increased resilience of key regional infrastructure such as roads, railways, and increased resilience and reduced fragility of Natural Resource Management (NRM)-based livelihoods of corridor communities.*

Sub-component 2.1: Enhance Tree-based Landscape Restoration and Management. The main activities supported under this sub-component will include⁴: (i) ecological site classification: development of a three-tier land electronic Geographic Information System (GIS)-based unit classification system as a decision support tool, including for aligning species with site characteristics that will link with and support integrated land use plans for Project corridors; (ii) production-oriented interventions with protective/restoration benefits; and (iii) ecosystem service-oriented interventions in support of farmer-managed natural regeneration and other forms of rehabilitation, restoration⁵ and protection, eco-structures, biodiversity (through agrobiodiversity by planting native species of fruit and nut trees), and a Green Wager Program. Model nurseries, including for wild seed varieties in support of agrobiodiversity, will be supported to ensure supply of quality seedling stock for restoration activities. Given the structural constraints of climate, soils, and topography, all restoration and tree-based interventions will aim to generate both production and service values concurrently, and where possible, allow flexible management to facilitate responses to future changes in physical growing conditions and/or changing demand for products and services. Involved actors' different levels of access to resources of land, finance, time, and skill levels will inform the type and scale of any intervention.

Restoration activities are expected to have a positive impact on water balance in project areas as enhanced tree cover will add to improved water retention capacity of soils. Furthermore, recognizing that water management is key for landscape restoration, all activities will include a strong focus on efficient water usage and harvesting techniques, including rainwater harvesting, use of hydrogels, etc., and on hydrology, to minimize surface soil loss, flooding, and siltation. Where possible, riparian *tugai* forests will also be restored to stabilize water course banks. The choice of species and sites for tree-based interventions will be guided by ecological site classification to ensure optimal water use efficiency. Simple measures to control grazing and fire management will be considered as part of landscape restoration. Emphasis will be placed on engaging women, youth, and other marginalized groups as well as the private sector in activities. The Green Wager Program⁶ will be based on participatory integrated land use plans developed for the relevant sites with the technical support from the SCF Forest Design Institute and will be implemented through the engagement of local organizations and communities to participate as daily wagers, or through community assistance programs, in activities that contribute directly or indirectly to restoration of corridor landscapes.

The sub-component will be implemented in a phased manner during the five-year project period. In the first 18-24 months of implementation, it will be implemented in select regions, districts, and villages/clusters together with preparatory activities for at scale implementation in years 3 to 5.

Sub-component 2.2: Enhance Resilient Livelihoods and Value Chains. The main activities under this sub-component are formation and strengthening of livelihood groups and enterprises; carrying out market assessments to identify demand-driven livelihood activities; providing business training and supporting business plan development to form the basis of proposals for matching grants provided under this sub-component; and providing downstream business development support, the establishment of linkages and collaboration with commercial banks, private sector associations, and other development programs that provide credit-based financial services and support infrastructure and digitalization for sustainability.

⁴ Areas of [plantations](#) to be supported were selected using the new World Bank Rating System for Project Resilience, based on sites' climate projections, hazard exposures, impacts, and risk mitigation measures. Interventions will be prioritized according to the main drivers of degradation in each area and their relative impact.

⁵ Using IUCN's Restoration Opportunities Assessment Methodology. URL: <https://www.iucn.org/theme/forests/our-work/forest-landscape-restoration/restoration-opportunities-assessment-methodology-roam>.

⁶ There is no universal definition of a green wager program. For the purpose of this Project, the Green Wager Program will provide livelihood opportunities to communities, especially youth and women, to enhance job creation and community engagement in afforestation, reforestation, and other greening activities for landscape restoration.

The sub-component will be implemented in villages/clusters of villages situated within or adjacent to PAs in the six project corridors and follow a two-track implementation approach to support: (i) improvements or expansion of existing enterprises wherein the Project Implementation Unit (PIU) will work with the relevant *leskhoz*, regional government agencies, and ongoing enterprise support programs to provide ‘light touch TA’; and (ii) formation of new group-based enterprises belonging to community members who are poor and vulnerable to impacts of land degradation and climate change. During the first six to eight months of implementation, the PIU will recruit regional-level livelihood specialists, engage Technical Assistance Partners (TAPs) and Community Business Agents (CBAs), organize orientation workshops for local government officials and stakeholders, prepare the implementation plan, conduct a baseline study/market assessment in target villages, and develop a preliminary Monitoring Information System (MIS) to monitor the component. From month nine onwards, both tracks will be supported by providing robust TA and business development support to both existing and new enterprises. The Community Operations Manual (COM) will be prepared to guide the implementation of the sub-component.

Component 3: Enhance Protected Areas and Nature-based Tourism. This component will finance works, consulting services, non-consulting services, goods, training and workshops, and operating costs. It will finance activities that promote sustainable land and natural resource management practices through improved management of the Zaamin National Park and Zarafshan National Park and sustainable NBT. *The regional spillovers of this component will be improved conditions for regional NBT development and biodiversity conservation. These PAs are also significant carbon stores, providing sequestration benefits.*

Sub-component 3.1: Improve Protected Area Management. The sub-component will finance improved protection and management of two PAs managed by the SCF - Zaamin National Park (Jizzakh) and Zarafshan National Park (Samarkand).⁷ Management plans of the PA will be updated and improved where needed and two new visitor centers – one in each park - will be established to help attract, inspire, engage in dialog, and educate a growing number of tourists in both parks and communities residing in the vicinity of the parks, as well as other investments to be defined in accordance with the latest Management Plans. These could include: (i) additional visitor facilities such as new or rehabilitated hiking trails, scenic viewpoints, observation platforms, picnic areas, and campgrounds; (ii) PA management infrastructure such as small park buildings (headquarters, ranger outposts, staff housing, etc.) and improved physical demarcation or signage; (iii) equipment that could include vehicles, field equipment, and office equipment; and (iv) incremental recurrent costs for PA management activities specific to project implementation, such as office and field supplies, field rations, fuel, support for park auxiliaries (such as community volunteers) if any, boundary maintenance, and equipment maintenance during the expected five-year project life.

Sub-component 3.2: Enhance Nature-based tourism. The sub-component will finance activities that promote environmentally sustainable and climate-resilient forms of NBT, targeted both on domestic tourists and a potentially growing number of international visitors. The investments will be made within or adjacent to SFF lands, such as Bobotag and Uzun (Surkhandarya), Pop (Namangan), Qolgansir (Syrdarya), and Kitab and Shakhrisabz (Kashkadarya) and national parks in Jizzakh, Samarkand, Surkhandarya, Namangan, Syrdarya, and Kashkadarya provinces. Activities will complement the ongoing World Bank-financed Medium-Size Cities Integrated Urban Development Project (MSCIUDP, P162929) by upgrading ‘gateway settlements’⁸ and creating rural-urban tourism corridors to realize increased and sustainable levels of tourist visitation. The types of investments that could be considered

⁷ Within the five-year project timeframe, it is expected that these two PAs will qualify to be added to the IUCN Green List of Protected and Conserved Areas, the first in Central Asia. URL: <https://iucngreenlist.org/>.

⁸ For the purposes of Project interventions, ‘gateway settlements’ are defined as typical peripheral small towns or villages located in the areas adjacent to natural areas that share similar characteristics (economic, administrative, territorial development, natural resource management, and other). They function as entry points to nature-based touristic sites (natural habitat, forests, mountain trails, lakes/water reservoir-based and other natural or farm-based recreational areas); often provide accommodation, goods, and services to eco-tourists, and have a significant mutual impact with the surrounding areas. The gateway settlements, as such, are integral parts of NBT value chains.

under include, but are not limited to improved basic infrastructure, trail systems, picnic and camping areas, and appropriate recreational facilities that promote sustainable natural resource uses, baseline mapping of promising NBT sites, connecting smaller settlements to trails to promote sustainable natural resources, diversify activities and potential for economic development, in combination with private sector engaging activities under the Project. The sub-component will also finance NBT promotion activities focused especially on the planned project corridors, and NBT-related technical studies.

Both sub-components will finance training and TA, specifically related to PA management and NBT, for park rangers and other PAs staff and qualified personnel that manage PAs, as well as for forest enterprises in their preparation of NBT-related business plans, *leskhoz*, NGOs/industry associations, private companies, other entities which might establish co-management agreements with SCF for specific land parcels, and community-based providers of NBT services. A specific focus on women will be included in the training and TA. The component will be implemented in a phased manner to allow for on-the-ground investments to be carried out after key planning studies are completed. A green design visitor center in each of two project-supported National Parks will be undertaken in the first 18 months of the Project. Similarly, new NBT investments in and around SFF land will be based upon recent or updated strategic studies, technical designs, and management planning documents to help ensure their success and sustainability. Training events, courses, and TA consultancies will be specified during Year 1 of project implementation and delivered through the duration of the Project.

Component 4: Project Management and Coordination. Component 4 will finance consulting services, non-consulting services, goods, equipment, training, incremental operating costs, and other eligible expenses associated with project implementation. A PIU will be established within the SCF-International Relations and Ecotourism Development (SCF-IREED) to coordinate implementation, project management, coordination and reporting tasks, including preparation of annual work plans and budgets, procurement activities, financial management of project funds, hiring of external auditors, knowledge management, development and maintenance of a project communication program, grievance redress mechanism, and Monitoring and Evaluation (M&E) and reporting. The PIU will also be responsible ensuring project compliance with and monitoring implementation of measures to address environmental and social risks and impacts as well ensuring that due attention is given to citizen engagement and gender aspects as per Project design.

1.2. Purpose of the Labor Management Procedures

This project has applied the World Bank's Environmental and Social Framework (ESF) to identify and address environmental and social risks and impacts. One of the ten Environmental and Social Standards (ESSs) –relates to Labor and Working Conditions (ESS2) requires the Borrowers to develop Labor Management Procedures (LMP). The LMP presents the activities that lead to labor and working conditions related risks and impacts, the main labor and working conditions requirements, and the identified risks and impacts and gaps in requirements. It captures the procedures to be implemented to address the gaps and manage the risks and impacts including the resources necessary to address these. The LMP is a living document, which is initiated early in project preparation, and is reviewed and updated throughout development and implementation of the project.

2. OVERVIEW OF LABOR USE IN THE PROJECT

ESS2 on Labor and Working Conditions recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. In addition to the national labor legislation, ESS2 guides and enables implementing agency to ensure sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions.

2.1. Type of Workers

ESS2 categorizes the workers into direct workers, contracted workers, community workers and primary supply workers. This LMP applies to project workers as defined by ESS2. The focus of this LMP is on directly employed in the PIU to perform project related tasks (direct workers) and staff, and community workers, contracted workers and primary supply workers. In the preparation of this LMP community workers, contracted workers, and primary supply workers are not yet defined at this stage. Total number of SCF employees dedicated to this project, is estimated to be approximately 40 including 11 residing in Tashkent city and other 16 in eight project protected areas. However, if during the implementation phase other than direct workers will be identified the LMP will be updated.

Direct workers

A direct worker is a worker with whom the Borrower has a directly contracted employment relationship and specific control over the work, working conditions, and treatment of the project worker. The worker is employed or engaged by the Borrower, paid directly by the Borrower, and subject to the Borrower's day-to-day instruction and control. Examples of direct workers may include persons employed or engaged by the Borrower's project implementation unit to carry out design and supervision, monitoring and evaluation or community engagement in relation to the project.

Contracted workers

A contracted worker is a worker employed or engaged by a third party to perform work or provide services related to the core functions of the project, where the third-party exercises control over the work, working conditions, and treatment of the project worker. In such circumstances, the employment relationship is between the third party and the project worker, even if the project worker is working on an ongoing basis on project activities. Contracted workers are those engaged in construction works and infrastructure investments and livelihood support activities.

Community workers

Some projects financed by the World Bank 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. There will be no community worker engagement in any of the sub-projects to be implemented within the scope of UZ RESILAND.

Primary supply workers

A primary supply worker is a worker employed or engaged by a primary supplier, providing goods and materials to the project, over whom a primary supplier exercises control for the work, working conditions, and treatment of the person. Primary supply workers will be expected consisting of employees of third-party companies who will provide machinery and/or equipment for construction, infrastructure investment component of the project and employees of companies who will provide hardware, security, and cleaning services.

2.2. Number of Project Workers

The exact number of project workers which will be engaged in relation to the Project is currently not known. However, some estimated numbers are provided below. These are based on the current workforce of SCF, present in Tashkent and in the project protected areas by the Project.

Direct workers. The project will be implemented by the Project Implementation Unit (PIU) under the SCF which will be established for the management of the project on a daily basis and play a linkage role between the SCF and WB. Direct workers will comprise “specialists or technical consultants” – full-time or part-time by the PIU – under the project.

Total number of SCF employees dedicated to this project, is estimated to be approximately 40 including 11 residing in Tashkent city and other 16 in eight project protected areas. SCF employees working under all project components include: Project Manager, Accountant, Project Coordinators (8), investment specialist, Loan officer, Forestry development specialist, Procurement specialist, Monitoring and Evaluation specialist (3), Environmental protection specialist (3), Social and Gender specialist (3), Lawyer, interpreter/translator (3) and regional technique staff (8).

Table 2.1: Project Workers

#	Name of Province	Name of protected area	Name of the position	Type of workers	Number of project workers	
					Male	Female
1.	Jizzakh	Zaamin National Park	Project coordinator (each);	Direct workers	2	-
2.	Samarkand	Zarafshan National Park	Regional technical staff (each);	Direct workers	2	-
3.	Surkhandarya	Bobotag state forestry		Direct workers	2	-
4.		Uzun state forestry		Direct workers	2	-
5.	Namangan	Pap specialized state forestry		Direct workers	2	-
6.	Syrdarya	Kolgansir state forestry - hunting		Direct workers	2	-
7.		Kitab state forestry		Direct workers	2	-
8.	Kashkadarya	Shakhrisabz specialized state forestry		Direct workers	2	-
9.	Tashkent City Project Implementation Unit at SCF			Project Manager, Accountant, investment specialist, Loan officer, Forestry development specialist, Procurement specialist, Monitoring and Evaluation specialist (3), Environmental protection specialist (3), Social and Gender specialist (3), Lawyer, interpreter/translator (3);	Direct workers	16
TOTAL					32	8

2.3. Characteristics of Project Workers

Given the nature of the project, almost all of the workers will be skilled and professionals since the PIU will be established to carry out such key functions as coordination, fiduciary, monitoring and evaluation, and reporting.

It is estimated that women would represent about 20 percent of the workforce, and those would likely be technical (engineering) and/or staff working in the PIU in Tashkent. The expectation is that the majority of labor will be locally hired with the exception of a few skilled workers. Based on the experience under previous projects implemented by SCF, all workers mostly will be over 18 and will be on average 35-45 years old.

2.4. Timing of Labor Requirements

The direct workers at PIU will generally be required full time which consists of 8 hours day work per national legislation of Uzbekistan, and around the year for the project duration. Other experts/consultants will be hired on demand basis throughout the project period.

Contracted Workers. The precise number of project contracted workers who will be employed are not known as of now. This will become known as and when implementation begins. Contracted workers will include:

- *Technical Assistance Consultants* will be recruited for research and capacity building tasks. Estimated number of consultants to be hired is about 50.
- *Civil Works Contractors and Workers.* Civil works are foreseen under Components 2 of the Project. Components includes rehabilitation and improvement of state forestry enterprise offices, district-level Pasture Commissions and selected Special Protected Area units, pasture infrastructure rehabilitation and improving access to remote pastures, such as spot road improvements, stock watering points, shelters and stock-pens through estimated number of workforces under three components is about 200.
- The farmers, local organizations and communities to be engaged through contractor employment for landscape restoration and management activities (including Green Wager Program) under Component 2 will be considered as contracted workers.

3. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

The type of work to be carried out by direct and contracted workers does not entail high vulnerability to abuse of labor rights or Operational Health and Safety (OHS) risks. This section describes the following risks, based on available information:

Labor risks associated with contracted workers. Given the small-scale of project physical interventions and rehabilitations activities of SCF facilities, no major risks are envisaged. As the rehabilitation activities will involve some difficulty heavy work, **persons under the age of 18** may be employed to carry out work that is assessed as **not** hazardous and that the assessment is undertaken prior to commencement of the work and that monitoring takes place on health working conditions, hours of work and the other requirements of the Bank under ESS2⁹ as well as meeting national requirements. All contractors will be required to have a written contract with their workers materially consistent with objective of ESS2.

According to the Labor Code of the Republic of Uzbekistan articles #77 and #241, employment is allowed from the age 16. To prepare young people for work, it is allowed to hire students of general education schools, secondary special, vocational educational institutions to perform light work that does not harm their health and moral development, does not interfere with the learning process, in their free time - upon reaching the age of fifteen from written consent of one of the parents or one of the persons replacing the parents.

The Standard requires that a child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under the specific conditions. These are:

- (a) will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development.
- (b) an appropriate risk assessment is conducted prior to the work commencing; and
- (c) the Borrower conducts regular monitoring of health, working conditions, hours of work and the other requirement of ESS2.

Examples of hazardous work activities prohibited for children include work:

- (a) with exposure to physical, psychological or sexual abuse;
- (b) underground, underwater, working at heights or in confined spaces;
- (c) with dangerous machinery, equipment or tools, or involving handling or transport of heavy loads;
- (d) in unhealthy environments exposing children to hazardous substances, agents, or processes, or to temperatures, noise or vibration damaging to health; or
- (e) under difficult conditions such as work for long hours, during the night or in confinement on the premises of the employer

Taking into account the requirements of the ESF as well national requirements, young people below the age of 18 but above the age of 16 years old may be employed to carry out work that is assessed as not hazardous and that the assessment is undertaken prior to commencement of the work and that monitoring takes place on health working conditions, hours of work and the other requirements of the Bank under ESS2 as well as meeting national requirements.

The process of age verification. In order to prevent engagement of under-aged labor, all contracts with work contractors shall have contractual provisions to comply with the minimum age requirements including penalties for non-compliance, and it will be well communicated to all potential stakeholders including the local community where the unskilled workforce will be sourced.

⁹ Para 17-19, ESS 2, The Environmental and Social Framework

The contractor is required to maintain labor registry of all contracted workers with age information. Verification of the age shall be undertaken prior to the engagement of labor and be documented based on the workers ID or other relevant legal documents.

Labor risks including Labor influx and associated Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH), and Child labor are considered as moderate given that the PIU's adherence to the national labor code which prohibits above mentioned abuse of rights. Nonetheless, the contractors will be required in the contract to sign codes of conducts and commit to ensure prevention of child labour s, PIU staff in charge of contractor supervision will monitor and report compliance.

Gender-Based Violence (GBV) including SEA/SH issues require some additional measures:

- Gender sensitivity will be sought in the employment of Stakeholder engagement and communication specialists who will work in the region.
- Stakeholder engagement and communication specialists will be informed about GBV issues.
- In addition to the socio-cultural characteristics and non-violent communication ways in the training of workers, GBV will also be on the agenda. Worker training will include the following information on GBV:
 - Definition of violence against women in national and international documents,
 - Types of violence (physical, sexual, economic, emotional),
 - Legal sanctions.
- The grievance mechanism will be accessible and ensure confidentiality of personal information.
- Information activities will be carried out to inform women about the mechanism. The following types of information are presented in these studies:
 - Women's rights
 - Self-protection in cases of violence and sexual abuse
 - Emergency phone numbers
 - Contact information of the institutions and organizations they can apply to
 - Grievance mechanism and privacy policy
- The confidentiality principle of the grievance mechanism will be repeated in all information materials.

The project will utilize additional mitigation measures proportional to risk. The contractor will be responsible for developing the workforce management procedure, health, and safety plans, child and labor force as well as SEA/SH protocols which will apply to their own and subcontractor employees who work on the Project. These procedures and plans will be submitted to SCF and PIU for review and approval before the contractors are allowed to mobilize to the field of construction. All contractors will be required in the contract to commit against the use of child and forced labor, introduce mitigation measures against SEA/SH, and SCF/PIU staff in charge of contractor supervision will monitor and report the absence of forced labor and cases of SEA/SH. All personal data and complaints received by the GM will be treated in a confidential manner, unless the complainant consents to the disclosure of their personal information. Specially, confidentiality of sensitive issues and complaints related to SEA/SH raised by communities will be followed. Within six months after project effectiveness, an action plan will be developed, including mapping of relevant service providers in the Project areas. The service providers will be made aware of the Project, and similarly, Project stakeholders at various levels will be informed of the availability of service providers.

Employment Risks. Workers will be hired by the PIU, either directly as project staff or indirectly as part of contracts with Consultants or service providers. The practice shows that civil works subcontractors do practice a labor contract with a lump-sum payment for a certain type of service or scope of work and where the duration of labor will be limited to several months.

4. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

4.1 Uzbekistan National Labor Legislation

Labor related legislation in Uzbekistan consists of the Constitution of the Republic of Uzbekistan, Labor Code, and other legal and regulatory instruments and international treaties supported by the Republic of Uzbekistan. Uzbekistan has ratified all of the eight fundamental international labor related conventions:

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

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

The Constitution of the Republic of Uzbekistan (adopted on December 8, 1992) includes a chapter on Economic and Social rights of the citizens. According to it everyone is entitled to:

- “Have the right to work, free choice of work, fair conditions of labor and protection against unemployment in the procedure specified by law. Any forced labor shall be prohibited except for punishment under the sentence of a court or some other instances stipulated by law” (Chapter IX, Article 37);
- The right to rest is included in the Article 38: “Citizens, working on hire, shall be entitled to a paid rest. The number of working hours and paid labor leave shall be specified by law”;
- Social security in old age in the event of disease, disability, loss of breadwinner and in other cases stipulated under the law (Article 39);
- Have the right to skilled medical care (Article 40); and
- Equal rights of men and women is guaranteed by the law (Article 46).
- “Have the right, both individually and collectively, to submit applications and proposals, and to lodge complaints with competent state bodies, institutions or public representatives. Applications, proposals and complaints shall be considered in the procedure and within the time-limit specified by law” (Chapter VIII, Article 35).

The Labor Code of the Republic of Uzbekistan introduced on April 1, 1996 treats labor legislation with due account of the interests of the employees, employers and the state and fair and safe labor conditions and the protection of the labor rights and health of the workers. This Code governs employment relationships and other relations, directly related, directed to protection of the rights and freedoms of the parties of employment relationships, establishment of the minimum guarantees of the rights and freedoms in the sphere of work. Article 6 of the Labor Code prohibits discrimination and guarantees that all citizens have equal rights to work; discrimination in labor relations is prohibited. Any differences, non-admission or preference, denial of employment, regardless of nationality, race, gender, language, religion, political beliefs, social status, education, property, leading to a violation of equality of opportunities in the field of labor, are prohibited. A person who considers that he has been subjected to discrimination at work may apply to the court for the elimination of discrimination and compensation for material and moral damage

caused to him.

According to Labor Code, labor-management relations should be formalized in a fixed-term or temporary employment contract. The maximum length of a single fixed-term contract is 5 years (with the exception of few specific positions).

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

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

Age of employment. Article 7 of the Labor Code states that Forced labor, i.e., forced to perform work under the threat of any punishment (including as a means of labor discipline) is prohibited. The right to work is permitted for persons aged 16 and older. The law allows hiring of students from secondary schools, secondary special, professional educational institutions as an internship to perform light work that does not harm their health and moral development, and does not interfere with the learning process, in their free time, provided that they are over the age of 15 with written consent by a parent or legal guardian (Article 77). No one under the age of 15 is allowed to work under the Labor Code.

Young people aged between 15 and 18 years old have the right to work based on the local legislations and have the same rights as adult workers with some benefits due to their age (Labor Code, Article 240).

People under age of 18 can be employed only after medical examination and further until reaching the age of eighteen are subject to mandatory annual medical examination. People under age of 18 can be employed only for works which have no risk to their health, safety and moral, they are not allowed to lift and move heavy objects (Labor Code Article 241).

Employees aged 15-16 are allowed to work no more than 24 hours a week, and employees aged 16-18 are allowed to work no more than 36 hours a week. Students can be employed only when they are free of study, and their working time may not exceed half of the maximum working time set for the respective age groups, i.e. students aged 15-16 can work only 12 hours a week and students aged 16-18 allowed to work no more than 17.5 hours a week (Article 242).

Articles 49 and 51 of Administrative Code of Uzbekistan impose fines for violation of above-mentioned regulations on forced and child labor. The amended law on 23.08.2019 significantly increases fines for using administrative measures to attract employees to forced labor, which has been practiced previously in the country involving public workers, mostly teachers, health workers and students. The new law imposes fines ranging from 10 to 30 times the minimum wage for using such practices. If the same offence is committed repeatedly, responsible persons will face fines from 30 to 100 times the minimum wage, according to the ministry.

Wages and deductions. Contracts and collective agreements establish the form and amount of compensation for work performed. It is forbidden to pay in kind, except in cases established by the Government of the Republic of Uzbekistan (Labor Code Article 153). The Government establishes a minimum wage (Article 155). From September 2019, the minimum wage payment for a full-time position, cannot be less than 634,880 UZS¹⁰ (or \$67,4). In areas with adverse climatic and living conditions,

¹⁰ Government Decree #775 of 16.09.2019

district coefficients and allowances for wages are established. There is no established minimum wage for seasonal and daily workers (minimum payment for hour of work).

Employers are obligated to pay workers at least once per half-month (Article 161). Compensations for the payment delays can be included in the collective agreement. Employers also must pay for work-related damage to health or property and families are compensated in case of death. Deductions are allowed mainly for taxes and other obligatory payments set by the Government of Uzbekistan, as well as for specific reasons, but may not exceed 50 percent of the amount owed to the employee, and payment after deductions may not be less than the minimum rate determined by the government (Article 164).

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

Pursuant to the Presidential Decree PP - No.4235 of March 7, 2019¹¹, men have received the same package of rights related to the childcare since 1 May 2019, only one of the parents (male or female) can decide to take maternity leave. Additionally, the President ordered to revoke the prohibitions on the use of female workers. As a corollary, the list of the professions that excluded the females' presence has gained a recommendatory nature (amendment to Article 225).

Working hours. The standard work week is 40 hours, with less allowed for those under 18 and for women who have children up to 3 years old. The number of hours per day, and days per week, is established in the contract/agreement between the employer and employee. Employers must provide time off each workday for "rest and food", and also paid time off in case time is needed to cool off, to warm up, or to breastfeed children. Details of time off are established in contracts/agreements.

Leave. In addition to national holidays, employees have to receive at least 15 working days of paid leave per year, with workers under 18 years of age receiving at least 30 calendar days and disabled employees receiving 30 calendar days (Article 134-135). In addition, those who work in unhealthy and unfavorable working conditions receive an additional seven days and those who work in unfavorable climate conditions receive an additional eight days. Leave without pay may also be taken by certain groups of people and may also be covered in contracts. At termination of employment, employees are paid for unused leave, or they may use the leave as their last days of employment.

Women are provided maternity leave for up to 70 calendar days, and then are provided 56 days leave after giving birth, in case of complications or giving birth to 2 or more children up to 70 days, with benefits paid from the state social insurance (Article 233). Maternity leave is calculated in total and is paid in a lump sum, regardless of the actual number of days off before giving birth. After giving birth, a mother may take additional leave until the child is six months old, again paid by social insurance. She may take unpaid leave until the child is three years of age. Her position is guaranteed upon her return from all these types of leave.

Overtime work. Overtime compensation as specified in employment contracts or agreed to with an employee's trade union, which can be implemented in the form of additional pay or leave. The law states that overtime compensation should not be less than 200 percent of the employee's average monthly salary rate (broken down by hours worked). Additional leave time should not be less than the length of actual overtime work (Article 157).

Layoffs and Firing. The Labor Code and subordinate labor legislation differentiate between layoffs and firing. Employees can terminate their employment by filing two-week prior written notice or apply for leave without pay. Layoff or temporary leaves without pay can be initiated by an employer due to

¹¹<http://lex.uz/ru/docs/4230938>

worsening of the economic situation as below. For firing (severance), the employer should personally give two months' advance notice in the case of corporate liquidation or optimization, two weeks' advance notice in the case of an employee's incompetence, and three days' advance notice in the case of an employee's malpractice or unacceptable violations. In case of severance caused by corporate liquidation or optimization, an employee should receive compensation, which should not be less than two average monthly salaries paid during their employment plus payment for unused leave (if another form of compensation was not agreed to in the employment contract).

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

Disputes may be adjudicated by commissions that are created "on a par with employer and agencies representing the interests of employee" (that is, with equal representation of employee/employees and employer), if such commissions are provided for in labor agreements/contracts (Article 262). Commissions must consider issues within 10 days. If the employer, employee, or their representatives disagree with decisions by a commission, or if the commission does not consider applications within 10 days, any of the parties may appeal to the courts, but that must be within 10 days of the decision (or no decision).

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

4.2 The World Bank Environmental and Social Standards: ESS 2

The projects financed by the World Bank need to comply with the World Bank's Environmental and Social Framework (ESF), effective from October 2018, comprising, inter alia, the Environmental and Social Standards (ESS)¹². The ESF specifies the mandatory requirements in the form of 10 ESSs that borrowers must apply based on the specificity of each project.

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

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

ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers. Where government civil servants are working in connection with the project, whether full-time or part-time, they will remain subject to the terms and conditions of their existing public sector employment

¹² <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

agreement or arrangement, unless there has been an effective legal transfer of their employment or engagement to the project.

Under ESS2, borrowers are required to develop and implement written labor management procedures (“LMP”) applicable to the project. The purpose of the LMP is to facilitate planning for the project and help identify the resources necessary to address the labor issues associated with the project. The LMP help to (a) identify the different types of project workers that are likely to be involved in the project, and (b) set out the ways of meeting the requirements of ESS2 that apply to the different types of workers. Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. The information and documentation will set out their rights under national labor and employment law (which will include any applicable collective agreements), including their rights related to hours of work, wages, overtime, compensation and benefits, as well as those arising from the requirements of this ESS. This information and documentation will be provided at the beginning of the working relationship and when any material changes to the terms or conditions of employment occur.

4.3 Key Gaps Between National Legislation and World Bank ESS2

Table 4.1. Summary of World Bank Requirements and Key Gaps with Uzbekistan Legal Requirements

ESS & Topic	Major WB requirements	Key requirements/gaps in Uzbekistan legal framework	Principles to be followed by the Project
A. Working conditions and management of labor relations	<ul style="list-style-type: none"> - Written labor management procedures - Terms and conditions of employment - Non-discrimination and equal opportunity - Worker’s organizations - Elaborate Labor Management Plans 	<ul style="list-style-type: none"> - Written employment contract required, including procedures and employment conditions. - Non-discrimination and equal opportunity 	LMP developed for the project. Terms and conditions in the LMP to comply with national law and WB requirements. Where there are gaps, such as in the case with child working, the more stringent requirements are to be followed.
B. Grievance mechanism	<ul style="list-style-type: none"> - GM should be in place for direct workers 	<ul style="list-style-type: none"> - No project specific GM is warranted. - However, it is allowed to apply to: a) conciliation commission; b) Labor Inspection under the Ministry of Employment and Labor Relations; and c) Court. 	PIU will develop specific GRM for all workers as per this LMP.
C. Minimum age of workers	<ul style="list-style-type: none"> -Persons 14-18 are prohibited from work considered hazardous, that will interfere with their education or be harmful to their health or development (physical, mental, spiritual, moral or social) 	<ul style="list-style-type: none"> - Employment permissible for 15 plus age, but for non-hazardous work, with limited hours, and guardian permission. 	The more stringent of the requirements will be followed. No direct and contracted workers under 18 will be recruited in hazardous work for this project. Age verification process should be strengthened.

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

5.1. Uzbekistan legislation requirements on Occupational Health and Safety

The main law of the Republic of Uzbekistan is **the Constitution of the Republic of Uzbekistan** dated December 8, 1992. Article 37 of the Constitution of Uzbekistan says that “each has the right to work, to free choice of work, fair terms of work and protection against unemployment under the law.” More than 30 articles of the Labor Code are directly linked with issues of occupational safety and health. They include:

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

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

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

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

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

- all round support for the activities of trade unions and other nongovernmental associations, enterprises and individuals in the field of OHS; and
- international cooperation in dealing with OHS problems.

Articles 16, 17, 176 and 177 of the Labor Code describes the rights and responsibilities of the Employer and Employees regarding the Occupational Safety and Health, as shown in Table 5.1. In accordance with the Constitution of the Republic of Uzbekistan, everyone has the right to work, to free choice of work, to fair working conditions and to protection from unemployment in the manner prescribed by law (Article 16).

Table 5.1: OHS Rights and responsibilities of Employer and Employees

Employee has right to:
<ol style="list-style-type: none"> 1. for remuneration for work not lower than the amount established by law for the first category of the Unified wage scale for wages; 2. for rest, provided by the establishment of the maximum duration of working hours, reduced working hours for a number of professions and jobs, the provision of weekly days off, holidays, as well as annual paid leaves; 3. on working conditions that meet safety and hygiene requirements; 4. for vocational training, retraining and advanced training; 5. to compensate for harm caused to his health or property in connection with work; 6. to join trade unions and other organizations representing the interests of employees and labor collectives; 7. for social security by age, in the event of disability, loss of a breadwinner and in other cases established by law; 8. to protect, including judicial, labor rights and qualified legal assistance; 9. defend their interests in collective labor disputes.
Responsibilities of Employees:
<ol style="list-style-type: none"> 1. The employee is obliged to conscientiously fulfill his labor duties, observe labor discipline, timely and accurately fulfill the legal orders of the employer, observe technological discipline, labor protection, safety and industrial sanitation requirements, and take good care of the employer's property. 2. The employee's labor duties are specified in the internal regulations, statutes and regulations on discipline, local acts adopted at the enterprise (collective agreements, instructions, etc.), an employment contract
Employer has right to:
<ol style="list-style-type: none"> 1. manage the enterprise and make independent decisions within the limits of their authority; 2. conclude and terminate individual labor contracts in accordance with the law; 3. require the employee to properly perform the work stipulated by the employment contract; 4. create, jointly with other employers, public associations to protect their interests and join such associations
Responsibilities of Employer:
<ol style="list-style-type: none"> 1. The employer is obliged to organize the work of employees, create working conditions provided for by legislative and other normative acts, an employment contract, ensure labor and production discipline, observe labor protection rules, be attentive to the needs and requests of employees, improve their working and living conditions, conclude collective agreements in compliance with this Code. 2. The employer does not have the right to demand that the employee perform work that is not part of his job duties, the commission of actions that are illegal or endanger life and health, humiliate the honor and dignity of the employee or other persons.

In inspections of the State Sanitary and Epidemiological Authority (the Law on State Sanitary Supervision was dated on July 3, 1992), State Fire Inspection, the State Committee of Ecology and Environmental Protection, the State Energy Supervision Authority and other bodies deal with OHS management within their frames of reference. The powers of inspections are determined by the Regulations approved by the corresponding ministries and agencies. Uniform application of labor legislation in the Republic is supervised by the Public Prosecutor's Office of the Republic of Uzbekistan (Article 9 of the Labor Code of the Republic of Uzbekistan).

The Cabinet of Ministers of the Republic of Uzbekistan effects overall control of OHS (Article 5 of the Law on Occupational Safety and Health). Under the Law on Occupational Safety and Health the Labor Code of the Republic of Uzbekistan enterprises are responsible for ensuring occupational safety and health requirements and officials violating such requirements or obstructing the activities of state

supervisory and monitoring bodies are disciplined or prosecuted under criminal law.

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

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

- obey all occupational safety standards, norms and regulations;
- protect the security of buildings, machinery, technological processes and equipment;
- provide healthy conditions in the workplace and use current public health standards;
- provide the necessary sanitary and cleanliness and provide treatment and prevention services;
- provide employees who work in a harmful or adverse environment with free therapeutic food, milk or other foodstuff equivalents;
- apply normal work and rest standards;
- provide employees with free work clothes, shoes and another necessary protective gear in the required condition and with normal, regular frequency;
- educate, instruct, and test the knowledge of employees on occupational safety standards and regulations and encourage them in occupational safety;
- include necessary occupational safety regulations in the collective contract and assume responsibility as defined in these regulations;
- provide a statistical report on the application of current occupational safety standards and working conditions; on measures taken to implement the
- standards and the results of activities to achieve these goals. The required information shall be provided at specific times and in specific forms determined by the relevant executive authorities.

6. RESPONSIBLE STAFF

The SCF and PIU will ensure that the above-mentioned gap will be covered by the project contractors. Each Contractor will have to follow this LMP and introduce their own Grievance Mechanism and this Mechanism should be monitored by PIU. Contractors will not hire persons aged under 18 for working in the project activities.

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 PIU will be directly supervised by the SCF (Deputy Minister of State Committee on Forestry and Head of the International Department) and will report to responsible staff within the SCF appointed by the chairman. The PIU will be responsible for the overall management and implementation of the Project. S/he, on a daily basis, will coordinate the project activities including relations with direct employees, contractors and suppliers.

The human resources person assigned by the SCF and PIU's Social specialist will be responsible for the following within their responsibility area:

- Implementing these labor management procedures;
- Ensuring that contractors comply with this labor management procedure;
- Monitoring to verify that contractors are meeting labor and OHS obligations toward contracted and subcontracted workers as required by Uzbekistan legislation and ESS2;
- Monitoring contractors and subcontractors' implementation of labor management procedures;
- Monitoring compliance with occupational health and safety standards at all workplaces in line with the national occupational health and safety legislation;
- Monitoring and implement training on LMP and OHS for project workers;
- Ensuring that the grievance redress mechanism for project workers is established and implemented and that workers are informed of its purpose and how to use it;
- Have a system for regular monitoring and reporting on labor and occupational safety and health performance; and
- Monitoring implementation of the Worker Code of Conduct. The content and template of code of conducts are given in annex 1.

The Contractors (Consultants) will be responsible for the following:

- To obey requirements of the national legislation and this labor management procedure;
- Maintain records of recruitment and employment process of contracted workers;
- Communicate clearly job description and employment conditions to contracted workers;
- Have a system for regular review and reporting on labor, and occupational safety and health performance.

When contractor(s) are known, this labor management procedure can be updated to include additional details about companies, hired workforce etc., as necessary.

7. POLICIES AND PROCEDURES

As specified in the Labor Code, employment of project workers will be based on the principles of non-discrimination and equal opportunity. There will be no discrimination with respect to any aspects of the employment relationship, including recruitment, compensation, working conditions and terms of employment, access to training, promotion or termination of employment. The following measures will be followed by contractors and monitored by the SCF and PIU to ensure fair treatment of all employees:

- Recruitment procedures will be transparent, public and non-discriminatory, and open with respect to ethnicity, faith/religion, disability, sexuality and gender;
- 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;
- 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 (in this case, the “Employer” would be the contractor);
- Depending on the origin of the employer and 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.

OHS Related Policies

- Conduction of induction trainings to all workers on OHS;
- Provision of adequate water and sanitation facilities at work places;
- Provision of separate toilet facilities for men and women;
- Provision of Personal Protection Equipment to workers, including to visitors;
- Emergency situation procedures;
- Accommodation provision;
- Accidents handling procedure;
- Grievance handling policies.

Monitoring

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

8. AGE OF EMPLOYMENT

The Labor Code prohibits forced labor and also establishes the minimum age at which a child can work, as well as the conditions under which children can work. The minimum age for employment is 16 years, but in some cases vocational training, light work is allowed for a 15-year-old (Article 77 of the Labor Code). In addition, there are some labor restrictions as to what type of work can be performed and what hours are allowed to workers under the age of 18. Examples of labor restrictions include: persons between the ages of 15 and 16 cannot work more than 24 hours a week, while persons under the age of 18 cannot work more than 36 hours per week; during the school year, the maximum number of hours is half or 12 and 18 hours, respectively. These restrictions are consistent with the ILO Minimum Age Convention. The Law on Parental Responsibility for the Child’s Upbringing and Education rests the responsibility on parents to ensure that children do not engage in hard and dangerous work and do attend school. In accordance with ESS 2, the children under the established minimum age of 14 years cannot be employed or engaged in project activities.

Labor contracts may be concluded with citizens who are sixteen or more years old. At the same time, labor contracts can be signed with the citizens aged 15 in case they receive basic or general secondary

education and on performance in non-study time of the work which does not cause any harm to their health or impede learning.

For the purpose of preventing employment of child labor, upon entry into employment it is necessary to check the age of the applicant by requesting documents confirming the age (for example, birth certificates, identification cards, medical records or school certificates, residence registration or other documents stating the age). If teenagers younger than the minimum age are identified under the project, measures shall be taken to terminate their work or engagement in the project as most appropriate for the interests of the teenager.

The teenagers above the minimum age, but under 18 years, can be employed or engaged in project activities only when the following specific conditions are met:

- a. Work is not associated with threats to health or physical, intellectual, spiritual, moral or social development or cannot interfere with receiving education by the teenager;
- b. Corresponding risk assessment is carried out prior to work;
- c. Regular monitoring of the health status, working conditions and time as well as compliance with other OHS and ESS 2 requirements is carried out.

A job is considered hazardous for teenagers if it can do harm to health, safety or morality of teenagers. Examples of types of hazardous work forbidden for teenagers are:

- a. Jobs associated with physical or psychological risk or risk of sexual abuse;
- b. Work underground, under water, at height or in a confined space;
- c. Work with hazardous mechanisms, tools or associated with movement of heavy cargo;
- d. Work in an unhealthy environment when the worker is exposed to the impact of harmful substances, means, processes, temperatures, noise or vibration harmful to their health;
- e. Work in difficult conditions, such as long working day, late night or limitation of freedom by the employer.

There will be a procedure to carry out an assessment (Table 8.1) of the work that is to be undertaken for those above 16 but under 18 to ensure that children are not engaged in hazardous work, and only then they can be employed, and the work and conditions will need to be regularly monitored. Example of such assessment is included in Annex 2. SCF-IREC and PIU will not rely solely on legal agreements, codes of conduct and certifications from contractors/suppliers to do the job. They must regularly monitor working conditions through audits and independent state inspections and exercise their ability to take corrective action up to and including termination of the relationship with partners who violate the law or their contractual terms of engagement.

Table 8.1. Example of assessment of hazardous occupations

Type of work	Tasks	Hazards	Health consequences

Contractors (including consultants) will be required to verify the 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. If a child under the minimum age is discovered working on the project, measures will be taken to immediately terminate the employment or engagement of the child in a responsible manner, taking into account the best interest of the child and these all above mentioned actions in detail should be included in semi-annual reports which will be provided to WB.

9. TERMS AND CONDITIONS

Terms and conditions of direct workers are determined by their individual contracts. Terms and conditions

should include provisions set out in the “HR Regulations” approved by the Law of the Republic of Uzbekistan #ZRU-410 dated September 22, 2016 on introduction of amendments and additions to the law of the Republic Of Uzbekistan “On Labor Protection». Purpose of Law. The purpose of this Law is to regulate relations in the field of labor protection. Legislation on labor protection. Labor protection legislation consists of this Law and other legislative acts. If an international treaty of the Republic of Uzbekistan establishes rules other than those provided by the legislation of the Republic of Uzbekistan on labor protection, then the rules of the international treaty are applied.

Permanent project staff will have individual agreements (labor contract or service contract) with fixed monthly wage rates. All the recruiting procedures should be documented and filed in the folders in accordance with the requirements of labor legislation of the Republic of Uzbekistan.

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

10. GRIEVANCE MECHANISM

10.1 Description of Grievance Mechanism

The PIU will ensure that a grievance mechanism (GM) for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, the grievance mechanism will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.

The main objective of a Grievance Mechanism (GM) is to assist to resolve complaints and grievances in a timely, effective and efficient manner that satisfies all parties involved. Specifically, it provides a transparent and credible process for fair, effective and lasting outcomes. It also builds trust and cooperation as an integral component of broader community consultation that facilitates corrective actions. Specifically, the GM:

- Provides affected people with avenues for making a complaint or resolving any dispute that may arise during the course of the implementation of projects;
- Ensures that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- Avoids the need to resort to judicial proceedings.

The PIU will set up a project specific GM to address all citizen complaints and requests related to the project. Day-to-day implementation of the GM and reporting to the World Bank will be the responsibility of the PIU. The new Social Specialist will be the key nodal officer for GM in the PIU. Project would encourage receiving complaints by a variety of channels, including anonymous complaints, at different levels – details. The system and requirements (including staffing) for the grievance redress chain of action – from registration, sorting and processing, and acknowledgement and follow-up, to verification and action, and finally feedback – are incorporated in the GM. To ensure management oversight of grievance handling, the PIU M&E will be responsible for monitoring the overall process, including verification that agreed resolutions are implemented.

10.2 Grievance resolution process

Grievances are received both in written (printed) or through e-mails. Each grievance should be recorded in the grievance logbook, citing the name of applicant, date of submission and giving it special reference number. After registering the complaint within 30 minutes at same day, or at earliest if received by the end of the working day, this should be reviewed by the SCF or deputies, and if it is received from regional offices, then manager responsible for the management of the region. Within 5 working days after submission of the complaint, detailed letter (or e-mail) should be sent to the sender with the status of the complaint signed by the head of the company or deputies. SCF employees may also meet with the Head of the SCF or Deputies in special allocated time with their complains or proposals.

The proposed Grievance Redress procedure is not limited by only above mentioned SCF's internal GM, but traditionally consists of 3 levels of complaints submission. The proposed mechanism helps complaint handling system to be functional, transparent and responsive, and where appropriate, strengthen government systems. In this mechanism beneficiaries and citizens can turn to register any grievances on all issues that tackle within any infrastructure.

The Project Affected Persons (PAPs) may submit their grievances first to the local mahalla office, contractors, PFIs or directly to the sub-borrower. The grievance could be submitted both ways: (i) officially with indication of applicant's contact information, and (ii) anonymously by dropping complaints into special boxes. It is recommended that each entity, which will be involved into the project implementation have to maintain logs for registration of grievances and Box for receiving complaints including anonymous.

If the grievance has not been considered or the PAP has not received a satisfactory response, he/she may file a grievance to the RPCU. Regional Specialist will keep a record of the grievances received. This will be done by applying multiple absorption channels such as mail, email, phone, project website, personal delivery. Currently, citizens are actively using mobile networks, so the project will open special groups in Telegram and Facebook applications.

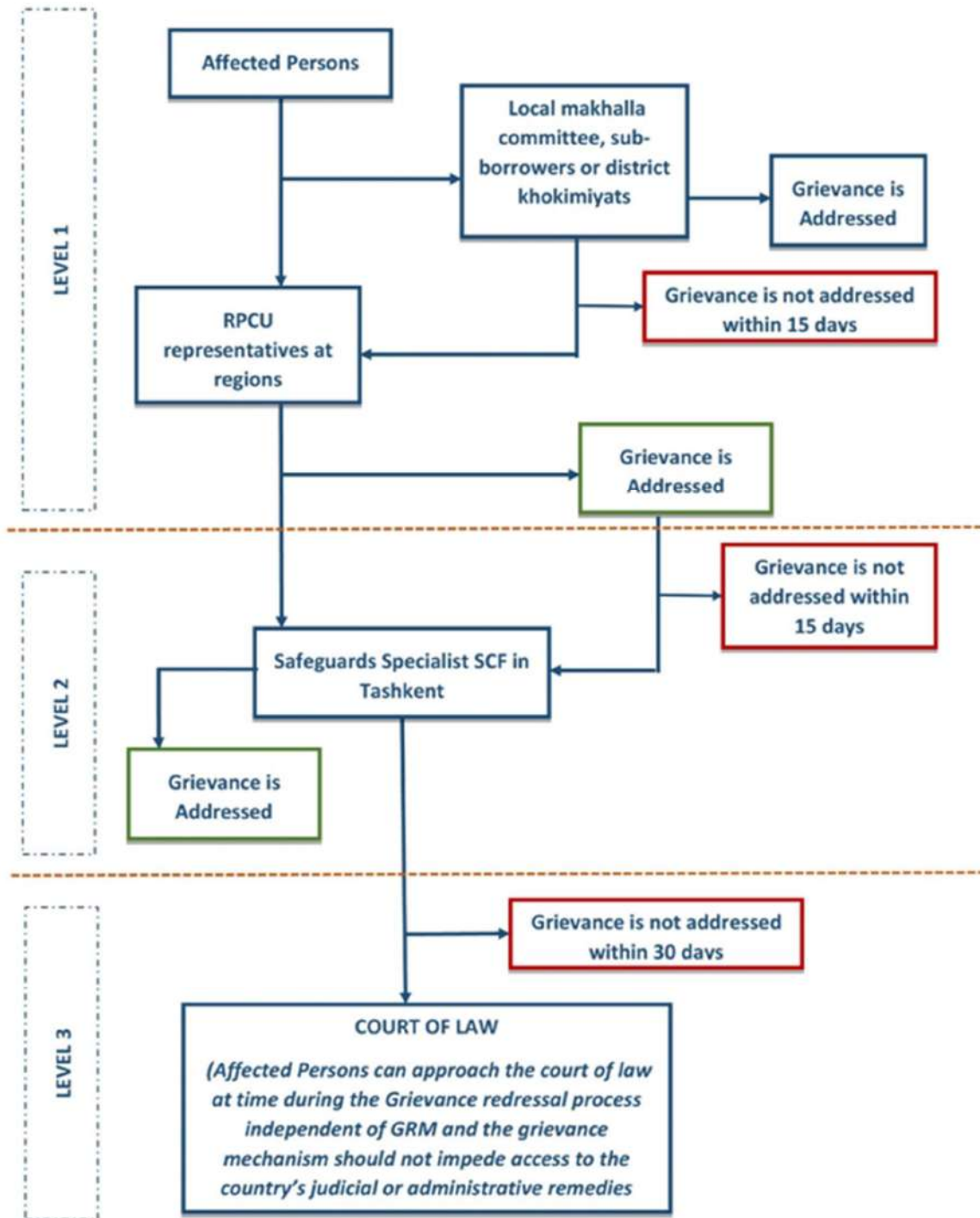


Figure 10.1: GM Process

After collection of grievances, need to be categorized, assigned priority, and routed to the appropriate entity. The reason is that various types of grievances typically require different follow-up actions—for example, some grievances can be resolved by means of a simple explanation or apology, while others may require more extensive investigations. Grievances that cannot be resolved at one level of the system should be referred to a higher level and/or an outside entity for verification and further investigation according to a clearly defined timetable then it shall be transferred to the PIU in Tashkent, where it shall be considered and decided how the grievance can be satisfied. If a grievance is not resolved at this level, or the applicant is not satisfied with the decision, the grievance shall be transferred to the Economic Court of the Republic of Uzbekistan.

When a grievance is made, the Regional Specialist shall acknowledge its receipt in a communication that outlines the grievance process; provides contact details and, if possible, the name of the contact person who is responsible for handling the grievance; and notes how long it is likely to take to resolve the grievance. Complainants should then receive periodic updates on the status of their grievances.

Every grievance shall be tracked and assessed if any progress is being made to resolve them. It is expected that project will receive many grievances and should ideally have an electronic system for entering, tracking, and monitoring grievances. The project monitoring and evaluation information system should also include indicators to measure grievance monitoring and resolution.

At the final stage each GM users shall be informed about the results of investigations and the actions taken to increase users' trust in the system. In addition, the generalized report will be developed considering type of complaints and actions taken. This reports and feedback will be sent to complainant directly (if his or her identity is known) and/or posting the results of cases in project website, telegram groups or local newspapers. The project should also inform GRM users about their right to an appeal if they are dissatisfied with the decision, specifying both internal and external (e.g., judicial review, ministries) review options.

Information about the GM will be publicized as part of the Public/community communication (e.g. through websites, social media). Brochures and posters will be displayed in public places offices, project offices, SCF outlets and notice boards, etc. Information about the GM will also be posted online on the SCF website. The overall process for the GM will be comprised of six steps, as described below.

Step 1: Uptake. Project stakeholders will be able to provide feedback and report complaints through several channels: contacting PIU by mail, telephone, email, social media, sms and telegram messaging.

Step 2: Sorting and processing. Complaints and feedbacks will be compiled by the Social Specialists at PIU and recorded in a register. These are assigned to the respective individuals / agencies to address. They are expected to discuss/ deliberate with the complainant and arrive at a resolution, within 15 days of receipt.

Step 3: Acknowledgement and follow-up. Within seven (7) days of the date a complaint is submitted, the responsible person/ agency will communicate with the complainant and provide information on the likely course of action and the anticipated timeframe for resolution of the complaint. If complaints are not resolved within 15 days, the responsible person will provide an update about the status of the complaint/question to the complainant and again provide an estimate of how long it will take to resolve the issue.

Step 4: Verification, investigation and action. This step involves gathering information about the grievance to determine the facts surrounding the issue and verifying the complaint's validity, and then developing a proposed resolution, which could include changes of decisions concerning eligibility for mitigation, assistance, changes in the program itself, other actions, or no actions. Depending on the nature of the complaint, the process can include site visits, document reviews, a meeting with the complainant (if known and willing to engage), and meetings with others (both those associated with the project and

outside) who may have knowledge or can otherwise help resolve the issue. It is expected that many or most grievances would be resolved at this stage. All activities taken during this and the other steps will be fully documented, and any resolution logged in the register.

Step 5: Monitoring and evaluation. Monitoring refers to the process of tracking grievances and assessing the progress that has been toward resolution. The PIU will be responsible for consolidating, monitoring, and reporting on complaints, enquiries and other feedback that have been received, resolved, or pending. This will be accomplished by maintaining the grievance register and records of all steps taken to resolve grievances or otherwise respond to feedback and questions.

Step 6: Providing Feedback. This step involves informing those to submit complaints, feedback, and questions about how issues were resolved, or providing answers to questions. Whenever possible, complainants should be informed of the proposed resolution in person (communicating by telephone or other means).

If the complainant is not satisfied with the resolution, she/he will be informed of further options, which would include pursuing remedies through the World Bank, as described below, or through avenues afforded by the Republic of Uzbekistan legal system. On a monthly basis, the PIU will report to SCF on grievances resolved since the previous report and on grievances that remain unresolved, with an explanation as to steps to be taken to resolve grievances that have not been resolved within 30 days. Data on grievances and/or original grievance logs will be made available to World Bank missions on request, and summaries of grievances and resolutions will be included in periodic reports to the World Bank.

Grievance Logs will include at least the following information:

- Individual reference number
- Name of the person submitting the complaint, question, or other feedback, address and/or contact information (unless the complaint has been submitted anonymously)
- Details of the complaint, feedback, or question/her location and details of his/her complaint.
- Date of the complaint.
- Name of person assigned to deal with the complaint (acknowledge to the complainant, investigate, propose resolutions, etc.)
- Details of proposed resolution, including person(s) who will be responsible for authorizing and implementing any corrective actions that are part of the proposed resolution
- Date when proposed resolution was communicated to the complainant (unless anonymous)
- Date when the complainant acknowledged, in writing if possible, being informed of the proposed resolution
- Details of whether the complainant was satisfied with the resolution, and whether the complaint can be closed out
- Date when the resolution is implemented (if any).

The SCF will offer its district and local channels. The PIU will enable (i) local level offices, (ii) district level as GM focal points. By this arrangement, the project will be able to address effectively and efficiently all grievances raised at grass root level, which will have countryside scattered pattern including those in remote areas. To manage the project GM, it will include following successive tiers of extra-judicial grievance review and resolution:

- The first tier will be the village local self-governments at the grassroots, who are responsible for helping members of the community and other social work (conflict resolution, overall community upkeep, etc.). They have the primary responsibility for identifying the households and/or individuals requiring social assistance. Unresolved grievances will be elevated to Grievance Redress Commission (GRC).

- PAPs will have an option of submitting grievance to PIU directly. This will be the second tier, which will form a GRC under leadership of PIU and includes one or more senior district and local level office managers and one village leaders. GRC will resolve issues that could not be resolved by local government or those that came directly. The GRC will deal with issues before referring to the legal recourse.

Table 10.1. Grievance Redress and Feedback Mechanism

To whom is the complaint filed	Form of submission	Complaint management procedure	Time for consideration of complaints
<p>THE FIRST LEVEL</p> <p><u>Office of local SCF offices</u></p> <p>Address:</p> <p>Tel.:</p> <p>Fax:</p> <p>E-mail address:</p> <p>Officer responsible for maintaining the GM Log:</p>	<p>Verbal</p> <p>Written</p> <p>In electronic format</p>	<p>1. Local SCF offices register complaint/proposal in the Log for registration of complaints and proposals;</p> <p>2. Maintain and monitor the process of reviewing and responding to complaints;</p> <p>3. Monthly they are reporting in writing to the PIU, to the Social Specialist on the status of work with complaints.</p>	<p>3days</p>
<p>THE SECOND LEVEL</p> <p>GRC at PIU level</p> <p>PIU SCF:</p> <p>Address:</p> <p>Tel:</p> <p>Fax:</p> <p>E-mail address:</p> <p>Officer responsible for maintaining the GM Log:</p>	<p>in written form</p> <p>in electronic form</p>	<p>1. PIU office registers a complaint in the Log for complaints and proposals;</p> <p>2. Maintain and monitor the process of reviewing and meeting the complaints;</p> <p>3. Consideration of the complaint may require additional verification of the issue, including collection of additional documents.</p> <p>3. Report on a monthly basis in written to the SCF (depending on the nature of the issue) on the status of work with complaints.</p>	<p>5 days</p> <p>15 days</p>

10.3 Monitoring and reporting on grievances

The PIU will be responsible for:

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

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

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

10.4 Grievance uptake channels

A grievance can be submitted through the following channels:

Table 8.2. Channels for accessing information and submitting grievances

Description	Contact details
Grievance Redress Committee – 1 st tier	district and local SCF offices
Grievance Redress Committee – 2 nd tier	Project Implementation Unit
Grievance Redress Responsible person at SCF	Islamov Zafar Tahirovich
Address:	Universitet street, building #2, 100163, Tashkent, Uzbekistan
Telephone:	+99871 2630756, +99871 2630824
Hotline:	+99871 2630756
Fax:	+99871 2630756
E-mail:	murojaat@urmon.uz
Web-platform:	https://urmon.uz/
Social media platforms:	
Anonymous complaints are also entertained by any of the above channels	

10.5 Existing GM at SCF

Along with the World Bank requirements on development and implementation of grievance mechanism for each Bank finance project, a grievance redress procedure is also required according to national legislation. In Uzbekistan a grievance redress procedure is regulated by the law “On Citizens’ Applications” and the “Law on the order of submission of appeals of physical and legal entities” (#378, December 03, 2014). Moreover, the SCF provides an internal grievance mechanism for physical and legal entities to raise reasonable workplace concerns. The grievance mechanism procedures are described in the following local regulations - Law of the Republic of Uzbekistan “About appeals of individuals and legal entities” #445 dated on 11.09.2017.

10.6 World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a project supported by the World Bank may also complaints directly to the Bank through the Bank's Grievance Redress Service (GRS).¹³ A complaint may be submitted in English, Uzbek or Russian, although additional processing time will be needed for complaints that are not in English. A complaint can be submitted to the Bank GRS through the following channels:

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

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

In addition, project-affected communities and individuals may submit complaints to the World Bank's independent Inspection Panel, which will then determine whether harm occurred, or could occur, as a result of the World Bank's non-compliance with its policies and procedures. Complaints may be submitted to the Inspection Panel at any time after concerns have been brought directly to the World Bank's attention, and after Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org.

11. CONTRACTOR MANAGEMENT

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

The PIU will use the Bank's 2017 Standard Procurement Documents for solicitations and contracts, and these include labor and occupational, health and safety requirements and will make reference to this LMP.

The PIU shall ensure that the contractors are legitimate and reliable entities, and that any written labor procedures the contractors have in place are in compliance with this Procedure. As part of the selection process the PIU may review the following information:

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

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

- Identification of labor management, safety, and health personnel, their qualifications, and certifications;
- Workers' certifications/permits/training to perform required work;

¹³ <https://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>

- Records of safety and health violations, and responses;
- Accident and fatality records and notifications to authorities;
- Records of legally required worker benefits and proof of workers' enrollment in the related programs;
- Worker payroll records, including hours worked and pay received;
- Copies of previous contracts with contractors and suppliers, showing inclusion of provisions and terms reflecting ESS2.

PIU will manage and monitor the performance of contractors in relation to contracted workers, focusing on compliance by contractors with their contractual agreements (obligations, representations, and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of project locations and work sites as well as of labor management records and reports compiled by any contractors.

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

ANNEXES

Annex 1. The content and template of code of conducts

CODE OF CONDUCT

MINIMUM REQUIREMENTS FOR THE CODE OF CONDUCT

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

- project reports and assessments e.g. ESIA/ESMP, particularly accounting for environmental factors such as presence/proximity of sensitive habitats, wildlife, vegetation, watercourses near works site
- consent/permit conditions
- required standards including World Bank Group EHS Guidelines
- national legal and/or regulatory requirements and standards (where these represent higher standards than the WBG EHS Guidelines)
- relevant standards e.g. Workers' Accommodation: Process and Standards (IFC and EBRD)
- relevant sector standards e.g. workers accommodation
- grievance redress mechanisms.

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

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

CODE OF CONDUCT REQUIREMENTS

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

- Compliance with applicable laws, rules, and regulations of the jurisdiction
- Compliance with applicable health and safety requirements (including wearing prescribed personal protective equipment, preventing avoidable accidents and a duty to report conditions or practices that pose a safety hazard or threaten the environment)
- Prohibition of hunting, fishing, bush-meat purchase, wildlife capture, vegetation burning, off-road driving, speeding, free-roaming pets (that threaten or conflict with wildlife), and outdoor loud music in/near Protected Areas
- Consideration for choice of materials and design for construction of buildings in/near Protected Areas
- The use of illegal substances
- Non-Discrimination (for example on the basis of family status, ethnicity, race, gender, religion, language, marital status, birth, age, disability, or political conviction)
- Interactions with community members (for example to convey an attitude of respect and non-discrimination)
- Sexual harassment (for example to prohibit use of language or behavior, in particular towards women or children, that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate)
- Violence or exploitation (for example the prohibition of the exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior)
- Protection of children (including prohibitions against abuse, defilement, or otherwise unacceptable behavior with children, limiting interactions with children, and ensuring their safety in project areas)
- Sanitation requirements (for example, to ensure workers use specified sanitary facilities provided by their employer and not open areas)

- Avoidance of conflicts of interest (such that benefits, contracts, or employment, or any sort of preferential treatment or favors, are not provided to any person with whom there is a financial, family, or personal connection)
- Respecting reasonable work instructions (including regarding environmental and social norms)
- Protection and proper use of property (for example, to prohibit theft, carelessness or waste)
- Duty to report violations of this Code
- Non retaliation against workers who report violations of the Code, if that report is made in good faith.

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

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

CODE OF CONDUCT TO BE ADHERED BY CONTRACTORS
Code of Conduct for Contractor’s Personnel (ES) Form
CODE OF CONDUCT FOR CONTRACTOR’S PERSONNEL

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

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, labourers 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.

Note:

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

REQUIRED CONDUCT

Contractor’s Personnel shall:

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

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

RAISING CONCERNS

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

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

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

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

CONSEQUENCES OF VIOLATING THE CODE OF CONDUCT

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

FOR CONTRACTOR'S PERSONNEL:

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

Name of Contractor's Personnel: [insert name]

Signature: _____

Date: (day month year): _____

Countersignature of authorized representative of the Contractor:

Signature: _____

Date: (day month year): _____

ATTACHMENT 1: Behaviors constituting Sexual Exploitation and Abuse (SEA) and behaviors and behaviors constituting Sexual Harassment (SH)

ATTACHMENT 1 TO THE CODE OF CONDUCT FORM

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

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

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

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

(2) Examples of sexual harassment in a work context

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

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

Annex 2. Example of assessment of hazardous occupations and their consequences on the health of working children

The following are examples only and are not an exhaustive set of examples, the key thing is an assessment needs to be undertaken to understand and assess risks of activities associated with a job or task.

Type of work	Tasks	Hazards	Health consequences
Agriculture	Working with agricultural tools & machinery, use of lawnmowers & circular saws; handling & spraying of agrochemicals; caring for farm animals & herding sheep; crop picking & weeding; collecting fodder; loading	Inadequate or unprotected machinery & tools; driving tractors & farm vehicles; motor vehicle accidents; noise & vibration; risk of falls & suffocation in grain elevators & silos; dangerous animals; biological toxic agents; exposure to hazardous chemicals; arduous work; working without personal protective equipment; exposure to extreme temperatures; heavy loads.	Lacerations, cuts, injuries & death, fractures & amputations of fingers, limbs & toes, head injuries or other handicaps caused by equipment & farm machinery mishaps; induced hearing loss; eye injuries; parasitic infections & other infectious diseases; dermatitis; thermal stress; chemical poisoning (chronic & acute)
Construction work & brickmaking	Digging earth; carrying loads; shoveling sand & cement; metal work; roofing; working with wallboards & fixing pipes; crushing, grinding, screening & mixing clay in brick making; carrying bricks	Injuries due to falls & falling objects; arduous tasks; exposure to harmful dusts & noise; exposure to asbestos; poor housekeeping; working without personal protective equipment; extreme weather conditions; silica exposure, carrying of heavy weights; lead exposure from glaze; excessive heat from ovens; carbon monoxide from kilns	Musculo-skeletal disorders; respiratory diseases such as asbestosis; fatigue; injuries caused by falling objects & by stepping on sharp objects; falls from heights; burns, lead poisoning, silicosis, carbon monoxide intoxication; thermal stress
Carpet weaving	Yarn preparation; wool sorting, washing, hand spinning and weaving, dyeing, trimming	Inhalation of wool dust contaminated with biological agents; inadequate working postures (squatting); inadequate lighting; hazardous chemicals; inadequate ventilation, housekeeping & sanitation, repetitive movements	Musculo-skeletal disorders; eye strain & defective vision; respiratory diseases; fatigue; chemical poisoning

Annex 3. Example of Grievance Form Registration

Number:		Question:	
Applicant:			
Address:			
Date of receipt of the appeal:		Number of applicants:	
Form of appeal:		Number of sheets:	
Admission form:		Duplicate/repetitive:	
Type of appeal:		Date and number of previous appeals:	
Control type:			
Summary of the appeal:			
The executive who signed the resolution (assignment):			
Executive resolution (assignment):		Deadline:	
Content division:		Performer:	

The status of the appeal		
Date of submission	Where sent	Number and date of the reply letter
Extended date:	By whom:(signature)	
Date of reply:		
Summary of review results:		
Taken out of control (by whom):		Performer's signature:
Data:		Date of completion:
Indication of violation of the deadline for consideration of the appeal:		

#	Acceptance date of appeal	Full name of the applicant (name of legal entity)	Applicant's address, telephone number (TIN of the legal entity)	Summary of the appeal (date, place, and names of the offender, position)	Name and position of the responsible person who received the appeal	Action measures	The results of the review of the appeal	Remarks