# Kyrgyz Republic

# Community Development and Investment Agency (ARIS)

# National Community Initiative Project

# (P180909)

## Labor Management Procedures
## (LMP)

**May 2024**

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## Abbreviations

| | |
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| ARIS | Community Development and Investment Agency |
| BFM | Beneficiaries Feedback Mechanism |
| CCCA | Community Climate Change Ambassadors |
| CDSO | Community Development Support Officers |
| ESMP | Environmental and Social Management Plan |
| ESS | Environmental and Social Standards |
| GBV | Gender-based violence |
| GM | Grievance mechanism |
| KR | Kyrgyz Republic |
| LSG | Local self-government bodies |
| MIS | Management Information System |
| OHS | Occupation and Health Safety |
| POM | Project Operations Manual |
| PWD | Persons with disabilities |
| SEA/SH | Sexual Exploitation and Abuse / Sexual Harassment |
| WB | World Bank |

## INTRODUCTION

In accordance with the requirements of the Environmental and Social Standard of the World Bank ESS2 "Labor and Working Conditions" (ESS2), and with the aim of facilitating the process of planning and implementation of the National Community Initiatives Project in the Kyrgyz Republic (hereinafter referred to as the Project) the Labor Management Procedures (hereinafter referred to as LMP) has been developed. The content of the LMP document is indicative in nature and establishes the basic requirements for personnel and possible risks associated with the implementation of the Project and helps to determine the resources required to address personnel-related issues. The LMP is a dynamic document formulated at an early stage of project preparation, undergoing reviews and updates throughout project development and implementation. The document specifies labor management procedures, including the types of workers likely to be employed by the Project, as well as World Bank requirements to ensure safe and secure working conditions during Project implementation.

## 1. OVERVIEW OF LABOR USE ON THE PROJECT

### Type of Workers:

The WB standard ESS 2 categorizes the workers into four different types: direct workers, contracted workers, community workers, and primary supply workers. This section provides a summary of who will be included in these different worker types as relates specifically to the Project.

**Direct workers.** People employed or engaged directly by the Borrower (including the project proponent and the project implementing agencies) to work specifically in relation to the project. Project specialists directly engaged in the Project will be employed by ARIS to implement the Project tasks and objectives.

**Contracted workers.** People employed or engaged through third parties to perform work related to core functions of the project, regardless of location. The following contracted workers are expected to be engaged for the Project:

(i) technical support of Project implementation; and
(ii) repair and construction work for the subcomponents under the contracts with construction contractors/subcontractors.

**Community workers.** People employed or engaged in providing community labor – relevant where projects are designed and conducted for the purpose of fostering community-driven development. Community members are expected to be involved based on community initiatives (during community gatherings and meeting etc.) for climate change initiatives, also for joint monitoring of the subproject implementation.

**Primary supply workers.** People employed or engaged by the Borrower's primary suppliers who, on an ongoing basis, provide directly to the project goods or materials essential for the core functions of the Project. This type of workers is not expected to be required for the Project.

The project will engage direct, contracted and community workers. Primary supply workers are not expected to be relevant to the project.

### Number of Project Workers:

Preliminarily, the total number of direct workers will be 66 people, however, this figure will be updated after the launch of the Project. Due to the fact that the exact number of employees has not yet been determined, the following is an approximate number of specialists:

- Project staff at central level – 19 persons;

- Regional coordinators - 7 persons;
- Regional Community Development Support Officers CDSO (field staff - 40 persons).

At this stage there is no exact data on the total number of contracted and community workers. This figure will be known once the project is launched.

### Characteristics of Project Workers:

**Direct workers.** The Project will be managed by the Project Coordinator and will comprise a team including the infrastructure engineers, financial management and procurement specialists, monitoring and evaluation specialist, environmental and social specialists, administrative staff (providing support and translation) as well as regional coordinators and field staff.

To implement the project components, ARIS will engage specialists with expertise in the following areas: economics (small enterprises), social mobilization, digital technologies/platforms, climate change adaptation and gender.

**Contracted workers.** Considering the limited scale of the repair and construction work, contractors will employ local labor for construction or renovation works. It is anticipated that these workers will predominantly be male, particularly among the low-skilled laborers.
Local contractors may enlist labor migrants from neighboring countries in construction works, particularly if the works are conducted in the nearby territories of border countries such as Tajikistan and Uzbekistan.

**Community workers (local residents).** As part of the project activities, local residents are planned to be involved based on community initiatives as climate change ambassadors. Additionally, local residents will be selectively engaged in the joint monitoring group overseeing the subproject implementation. Considering the nature and objectives of the project, applying all ESS 2 requirements to these workers is not appropriate.

### Timing of Labor Requirements:

During project implementation, Project direct workers will be employed on a full-time, year-round basis. Additional experts/consultants will be engaged as needed. The precise schedule for contracted workers will be determined in subsequent stages. However, it can be stated in advance that they will be enlisted to execute various subcomponents for well-defined periods and tasks.

Contracted workers for civil works will be engaged as necessary and for specified period. Generally, the construction season spans from April to October, but its duration may vary depending on weather conditions. Consequently, the mobilization of manpower for specific repair and construction works is subject to the discretion of the contractor, contingent upon the type of work, prevailing season, and location. The standard working day should not exceed 8 hours; simultaneously, workers must be provided with a rest break, lasting at least 1 hour.

The primary activity where the migrant workers can be involved is the construction and installation work. The timing of mobilizing migrant workers will depend upon the construction period and the scope of the tasks to be undertaken.

## 2. ASSESSMENT OF KEY POTENTIAL LABOR RISKS

**Project Activities.** The Project will be implemented in 40 districts of the Kyrgyz Republic located in seven Oblasts - Naryn, Issyk-Kul, Chui, Talas, Batken, Osh and Jalal-Abad. The main activities of the Project are mobilization and capacity building of local self-governments and local residents through various trainings, discussions, and rehabilitation/construction of socio-economic facilities.

### Key Labor Risks

***Risks related to employment conditions.*** Project workers will be hired by the Project, either directly (as Project staff), or indirectly (through contracts with consultants or service providers) in accordance with Kyrgyz legislation and World Bank procurement requirements. In accordance with the World Bank's Procurement Rules, all contractors will be required to enter into written contracts with their workers that comply with the ESS2 (especially with regard to prevention of the use of child and forced labor, SEA/SH risks). Contractors will provide insurance policies for their workers for the period of work.

**Risks associated with overtime work.** There is a potential risk that, in current practice, some worked hours may go unaccounted for, with workers left uncompensated for overtime. In accordance with the Labor Code of the Kyrgyz Republic, key employees can receive additional hours of rest on other days as compensation for overtime work, subject to employer consent. To address this risk, the project will inform key employees of their rights and incorporate a Grievance Redress Mechanism into ARIS BFM system.

**Risk of labor influx and associated Sexual Exploitation and Abuse/Sexual Harassment (SEA/SH), risk of child and forced labor**. Given the small scale of construction works under the subprojects and the fact that the Project is guided by national labor laws and WB ESS2, such risks are considered low. Since the repair and construction works under the subproject will be small in scale and will be supervised by the Project, the risk of forced or child labor will be minimal. However, contracts with contractors will include a mandatory clause prohibiting the use of forced and child labor. Project staff supervising the work of the respective contractors will monitor and submit reports confirming compliance. To prevent GBV/SEA/SH risks prior to the start of construction works the Project will conduct training involving the community and the contractors' workers on the prohibition of all types of discrimination and harassment.

**Occupational Health and Safety (OHS) Risks.** In alignment with national legislation, Contractors are obligated to establish and maintain conducive working conditions for their workers, ensuring occupational health and safety standards. As part of this commitment, Contractor employees will undergo mandatory training in safe work practices, designed to minimize their exposure to potential risks during the execution of various tasks. To effectively mitigate these risks, additional training sessions will be conducted specifically for contractors engaged in repair and construction works. These sessions will focus on identifying the primary occupational exposures inherent in construction and installation activities, with subsequent implementation of a mechanism to mitigate potential risks. Comprehensive procedures for establishing and sustaining a safe working environment, in accordance with ESS2 requirements, will be integrated into the operational framework. Furthermore, adhering to the Environmental and Social Management Plan (ESMP), all contractors will be obliged to ensure that their employees utilize fundamental protective equipment.

## 3. BRIEF OVERVIEW OF LABOR LEGISLATION: TERMS AND CONDITIONS

**National labor legislation: conditions of employment**

Kyrgyz Republic legislation regulating labor protection is based on the Constitution of the Kyrgyz Republic and includes the Labor Code, the Law "On Labor Protection" and other legal acts of the Kyrgyz Republic.

The Labor Code of the Kyrgyz Republic (No. 106 of August 4, 2004) is the main legal document regulating all issues related to labor relations in the Kyrgyz Republic. The Code regulates labor and other relations directly related to labor, protects the rights and freedoms of all participants in labor relations and establishes minimum guarantees of rights and freedoms in the field of labor. It prohibits discrimination and guarantees all citizens equal rights to work; discrimination in labor relations is prohibited. It is prohibited to establish any distinction, refuse admission or provide any advantages that may lead to violation of equal opportunities in the sphere of labor, based on nationality, race, sex, language, religious affiliation, political beliefs, social status, property status.

- Labor relations may be established only on the basis of employment contract, which must be concluded in writing.

- Employees have the right to labor remuneration not lower than the minimum wage established by law.
- The employer is obliged to ensure safe and healthy working conditions, provide personal protective equipment and conduct labor protection briefings.
- The employer has no right to dismiss an employee without a valid reason and without following the dismissal procedure stipulated by the legislation.

**Wages and deductions**

Contracts and collective agreements establish the form and amount of compensation for work performed. The monthly wage for an employee working regular hours and meeting labor norms must not fall below the legally established minimum wage. It's important to note that the minimum wage excludes extra payments, allowances, bonuses, incentives, payments for non-standard conditions, work in special climates, areas with radioactive contamination, and other compensatory and social payments (as per Article 54).

Wages are required to be paid at least once a month (Article 157). Employers have the responsibility to compensate employees for work-related damage to their health or property. In the unfortunate event of an employee's death, their family is entitled to compensation. While withholdings are permitted for specific reasons, their total amount is capped at 50 percent of the employee's due salary, as outlined in Article 161.

In addition to the Kyrgyz Labor Code, other laws and regulations governing certain aspects of labor relations, such as the Law on Employment, the Law on Social Security, etc., are also applicable in the area of labor legislation.

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

Regarding the conditions and professional labor, the Constitution of the Kyrgyz Republic grants every citizen:

i. Individuals have the right to freedom in their employment, the ability to utilize their skills, choose a profession and occupation, and ensure working conditions that comply with safety and hygiene standards. Additionally, they have the right to receive wages not falling below the minimum subsistence wage established by law (Article 42);
ii. Right to rest. Everyone has the right to rest. This right is ensured by setting maximum working hours, providing paid annual leave and weekly rest days, and other conditions provided for in the law (Article 42);
iii. Right to health care and medical insurance. Citizens have the right to freely access the network of state healthcare organizations (Article 43);
iv. Right to public social security. Citizens are guaranteed social security in old age, in case of illness and disability, and in case of the loss of a breadwinner, as per the law (Article 53).
v. The use of child labor and forced labor is expressly forbidden (Article 28).

The right to occupational health and safety is established by the Constitution of the Kyrgyz Republic. Under article 42, citizens of the Kyrgyz Republic have the right to freedom of labor, to dispose of their abilities to work, to choose a profession and occupation, to protection and working conditions that meet safety and hygiene requirements, and to receive wages not lower than the minimum subsistence wage established by law.

The section on occupational health and safety (OHS) is also contained in the Labor Code of the Kyrgyz Republic, which was adopted on July 1, 2004. It establishes the employer's obligations in terms of ensuring labor safety, provides for state regulation in the field of labor safety and sets out the obligations of the employee in terms of OHS. Employees are guaranteed labor safety, training and instruction, sanitary conditions, sanitary and domestic and medical and preventive services. The Code covers the establishment and operation of labor protection services; investigation and recording of occupational accidents and occupational diseases; payment of benefits and compensation for special working conditions.

On August 1, 2003, the Law of the Kyrgyz Republic "On Labor Protection" came into force, which establishes the legal framework governing relations between employers and employees and is aimed at creating working

conditions that protect the life and health of employees in the workplace. The law defines the main directions of state policy in the field of labor protection and the principles of state management of labor protection. The law also outlines the liability for violation of labor protection rules and requirements, including administrative and criminal liability.

For their part, employees are obliged to undergo initial (upon entering employment) and further periodic medical examinations, training and periodic briefings on safety requirements (Article 12), as well as to participate in therapeutic and recreational activities offered by a medical institution, if covered by the employer (Article 16).

***Working hours***

The standard working week consists of 40 hours. Reduced working hours are allowed for persons under 18 years of age, with specific daily and weekly limits defined in the employment contract (Article 90).

Employers are required to grant additional nursing breaks to women with children under one and a half years: 30 minutes for every 3 hours of work. If a working woman has two or more children under the age of one and a half years, the duration of the additional break is 1 hour. At the woman's request, the additional breaks may be added to the rest and lunch breaks or summarily transferred to the beginning or end of the working day (working shift), with a corresponding reduction (Article 309). The terms and procedure for granting breaks are set out in the contract.

***Rest time (breaks)***

Types of rest time are:

- breaks during the working day (shift);
- daily (inter-shift) rest;
- weekends (weekly uninterrupted rest);
- non-working holidays;
- vacation.

During the working day, an employee shall be provided with a break for rest and meals. The time and duration of the break are determined by internal regulations, shift schedule or individual labor contract or collective agreement between the employer and the employee.

***Vacations***

In addition to rest on public holidays, employees are entitled to 28 days of paid annual vacation. Employees under 18 years of age and employees with disabilities are entitled to 30 days.

***Labor disputes***

Labor disputes are "unresolved disagreements between an employer and an employee on labor legislation and other regulations of the Kyrgyz Republic, as well as working conditions stipulated in an employment contract or collective agreement" (Article 356).

Individual labor disputes are addressed by labor dispute commissions, the authorized state body in the field of supervision and control over compliance with labor legislation, and the courts. An employee may, at his or her choice, apply for the resolution of a labor dispute to a labor dispute commission or to an authorized State body responsible for supervising and monitoring compliance with labor legislation, or directly to a court. Where a labor dispute commission has not been established in an organization, the labor dispute must be considered directly by the authorized State body responsible for supervising and monitoring compliance with labor legislation or in court (art. 412).

**Complaints**

The Law on the Procedure for Handling Citizens' Appeals, dated May 4, 2007, outlines the official channels for citizens to submit complaints, inquiries, and appeals. Article 8 specifies a timeframe for addressing appeals: 14 working days for straightforward matters and 30 days for issues requiring further investigation.

Project workers will receive clear and easily understandable information and documentation detailing the terms and conditions of their employment. This will encompass their rights under national law and ESS requirements, including collective agreements, covering aspects such as working hours, wages, overtime, compensation, and social security benefits. This crucial information will be provided from the outset of their employment and whenever substantial changes occur in their working conditions.

## 5. RESPONSIBLE STAFF

The Project will be under the direct oversight of ARIS, with the Project Coordinator responsible for day-to-day coordination, managing relationships with key personnel and contractors as well as community workers.

Project Environmental and Social Specialists will carry out the following functions:

- Ensure the implementation of this LMP.
- Verify that construction contractors adhere to the LMP and, prior to commencing on-site work, comply with occupational health and safety plans.
- Guarantee that contracts with contractors align with the provisions of this LMP and the project's ESMF, following the guidelines outlined in the Project Operations Manual (POM).
- Conduct thorough monitoring to ensure contractors fulfill their obligations and comply with OHS requirements, as outlined in Kyrgyz legislation and contracts under the project.
- Monitor contractors' and subcontractors' adherence to LMP.
- Verify compliance with Kyrgyz Republic OHS legislation for workplace standards.
- Monitor and conduct training sessions on OHS for project workers.
- Communicate the feedback mechanism to workers, ensuring they understand its purpose and how to utilize it.
- Regularly assess and report on the effectiveness of the occupational health and safety system.
- Ensure adherence to the Contractor’s Employee Code of Conduct (Sample of CoC is in Annex 1).

## 6. 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 Project will establish a monitoring and reporting mechanism, as part of the POM. The monitoring results of the compliance with the labor management policies and procedures will be integrated in the semi-annual environmental and social compliance progress reports.

## 7. AGE OF EMPLOYMENT

Within the Project, the minimum age for employing workers engaged in Project activities is set at over 18 years with relevant educational qualifications. For contract workers from contracting organizations, the minimum age is established at 18 years. Kyrgyz Republic law prohibits individuals under 18 from working in "hazardous or arduous conditions," outlining specific requirements for vacation, working hours, and other working conditions. The employer commits not to engage individuals under 18 in construction work.

Workers under 18 may participate in industries without health risks, subject to reduced working hours: those between 14 and 16 should not work more than 24 hours per week, and those between 16 and 18 should not exceed 36 hours per week. Workers are required to provide official documentation such as a birth certificate,

national identity card, passport, medical records, or documents from their educational institution. In case a minor below the minimum working age is identified on the project, immediate steps will be taken to terminate their employment, prioritizing the protection of the minor's interests.

## 8. TERMS AND CONDITIONS

The employment terms and conditions for Project employees will align with ARIS internal rules and regulations, guided by the national legislation of the Kyrgyz Republic. Labor relations, applicable to all Project employees, will be explicitly outlined in individual Labor Contracts.

The Contractor's labor management procedure will outline the terms and conditions of employment for subcontractor employees. These conditions will, at a minimum, adhere to this labor management procedure and the Kyrgyz Republic Labor Code. The precise terms will be detailed in the standard contracts employed within this project.

Additionally, individual consultants, whose schedules are currently undetermined, will be engaged based on the scope of work required. These consultants will undergo orientation on ARIS and World Bank policies and procedures and will offer supplementary support for project implementation once it commences.

## 9. GRIEVANCE MECHANISM

The Project will establish a step-by-step GM procedure for project workers in accordance with ESS2 as described in this LMP no later than 30 days of the Project effective date and describe them in the POM. It should be noted that the BFM/GM is not an alternative/substitute for legal grievance mechanisms. It is established to help solve problems and find solutions to grievances on the ground at Project level. At the same time, under Kyrgyz law, all staff have the right to seek resolution of their grievances through judicial/legal mechanisms. The GM proposed by the Project does not prevent employees from using judicial procedures.

ARIS has a Beneficiaries Feedback Mechanism (BFM) that is designed to receive timely feedback from communities and other stakeholders. All Project employees will be offered a BFM or Grievance Mechanism (GM) whereby employees can report concerns, harassment, violation of labor laws, etc. to management. At the time of recruitment, all workers involved in the Project will be familiarized with these mechanisms, as well as with safeguards against any retaliation or abuse of authority by the employer.

There are key steps in ARIS BFM/GM to ensure that the grievance process is systematized and structured to help improve the quality of feedback and meet the needs of all stakeholders. There is a sequence of actions that need to be followed to effectively address and resolve grievances from staff, contractors and community workers:

**a. Reinforcement of policies and procedures:**

The first step involves reminding all involved parties of the grievance policies and procedures. ARIS employs a vital tool known as BFM/GM to address concerns and provide feedback. ARIS disseminate information about BFM/GM to all project participants, including ARIS staff, contractors' employees, and community workers. They are also notified about the possibility of recourse through the BFM/GM channels in case of complaints or issues, in accordance with the LMP. Grievances related to labor law violations are tackled with the involvement of ARIS HR, legal, and office management specialists, while considering Kyrgyz labor legislation.

It's essential to ensure that Project workers understand how and where to submit their grievances, the designated timeframes for doing so, and the relevant BFM/GM channels:

- WhatsApp: + 996 (770) 70-05-22, Tel: + 996 (550) 70-05-22,
- ARIS website: www.aris.kg,
- E-mail: bfm@aris.kg,
- Social media;
- Oral or written inquiries;

- Letters handed over personally;
- ARIS Reception.

Anonymous reports are also accepted.
Responses to inquiries/complaints:

- Notification of receipt of inquiries: Acknowledgment of receipt of inquiries within 2 days.
- Providing a response: A full response is provided within 14 working days. In case the issue requires more in-depth consideration, e.g. on-site visit, the response period may be extended up to 30 calendar days.

**b. Receipt and registration of complaints/inquiries**

All inquiries/complaints received through the BFM channel are accepted for consideration and must be registered in the MIS BFM system, this system allows to track their status and progress of consideration.
In the event of a grievance being received at the project site, immediate action is required. The Project Officer, Regional Officer, or Contractor is responsible for promptly informing the BFM/GM specialist of the grievance received, while maintaining confidentiality, ensuring the grievance is registered, reviewed, and processed accordingly. Additionally, apart from referring the grievance to the BFM/GM Specialist, the Regional Officer, Project Officer, or Contractor must provide all necessary information and documentation related to the grievance.

**c. Analyzing the complaint/inquiries:**

The BFM/GM specialist conducts a detailed analysis of each inquiry/complaint to understand its essence and main reasons. Determine what steps can be taken to resolve the problem and fulfill the complainant's requirements.

**d. Review of the grievance:**

The BFM/GM Specialist assigns a responsible person or team to handle the grievance. Ensures they have access to the necessary information and resources to fulfill their responsibilities.

**e. Decision Making:**

Based on the results of the analysis and discussion, a decision is made for each complaint/inquiry. The BFM/GM Specialist conducts an analysis that the decision made is fair and complies with BFM/GM rules and organization policies.

**f. Informing the complainant/applicant**:

Once a decision has been made on the complaint/inquiry, the BFM/GR Specialist immediately informs the complainant/applicant of the outcome. This notification provides a clear explanation of the decision and further action.

If an applicant is not satisfied with the decision, he/she has the right to appeal. Explanation on how to appeal will be provided with the response to the complaint/inquiry.
Following the appeal, an applicant who remains dissatisfied with the outcome of the review has the right to appeal the decision to the courts.

**g. Monitoring and feedback:**

Once the grievance/inquiry is finalized, the BFM/GM Specialist monitors its implementation and assesses the effectiveness of the measures taken. Provides an opportunity for feedback from the complainant/applicant to improve the grievance/inquiry process in the future.

**Handling of sensitive grievances**

Taking into account the standards regarding the prevention of sexual exploitation and abuse/sexual harassment (SEA/SH) , which is in accordance with the requirements of the World Bank, must be observed in all projects financed by the World Bank, these standards will be observed and responsibilities take action to raise awareness on the prevention and suppression of SEA/SH.

At all stages of the project implementation, all project staff and contractors, community workers will be informed about the understanding of the principles of control and prevention of risks of SEA/SH. If a complaint is related to any ARIS activities or instances of sexual misconduct (SEA/SH, GBV), regardless of whether it involves ARIS staff or contractors, and if these actions degrade beneficiaries of services provided by ARIS within the project framework or individuals associated with these beneficiaries, then the BFM/GM specialist shall forward it to the Executive Director of ARIS. ARIS is committed to taking reasonable measures to prevent sexual

exploitation, abuse and misconduct, ensuring confidentiality and countering harassment. The ARIS online platform has a separate channel for filing such complaints, which is assigned to responsible BFM specialist. In the process of ARIS projects implementation, the BFM specialist raises awareness about this channel and the possibility of submitting an anonymous inquiry. The channel can be access through the following *link*: https://kyrgyz-demo-republic-village-covid-19.yrpri.org/post/66687.

BFM/GM is tasked with ensuring that all inquiries and complaints received by ARIS remain confidential, and that measures are in place to counter any forms of harassment or pressure against complainants and participants in ARIS activities. These measures include the following:

- Maintaining Anonymity: Allowing complainants/applicant to submit complaints/inquiries anonymously.
- Protection of Personal Information: Adhering to laws and policies to protect the personal information of complainants and participants.
- Staff Training: Providing staff with privacy and anti-harassment training to equip them in handling such situations.
- Complainant Support: Providing support and protection to complainants who encounter harassment or pressure due to their inquiries.

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 ARIS 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.

## 10. CONTRACTOR MANAGEMENT

Contracts for the implementation of civil works and other agreements will include provisions related to labor relations and OHS that are consistent with the World Bank's standard Procurement Rules and Kyrgyz Republic legal requirements.

The project will regulate and monitor contractors' performance with respect to their contracted workers, with particular attention to contractors' compliance with their contractual agreements (commitments, representations and warranties) and labor management procedures. This may include periodic audits, inspections, and/or spot checks of projects and worksites, as well as contractor documents and records related to labor management.

Contractor documents and records related to labor management that may be audited may include: templates of employment contracts or arrangements between third parties and contracted workers; records of complaints received and decisions made; records of safety inspections (including records of fatal and other accidents and corrective actions); records of non-compliance with national legislation; records related to the organization of training; and records related to the management of the workplace.

## 11. COMMUNITY WORKERS

The project will involve the community representatives, including the community climate change ambassadors (CCCA) and those who selected for joint monitoring of the subproject implementation. The main function of CCCA will be to assist the Project, LSG in dissemination of knowledge on climate change among all segments of the rural population and local organizations of various forms of ownership.

Candidates for CCCA positions will be selected during introductory meetings held in villages of each target aiyl aimak. The final list will include all candidates who best meet the selection criteria and who have agreed in writing to serve as CCCA on a voluntary basis.

The minimum age of the candidates is from 18 to 34 years old with higher or specialized education.

Activities carried out by CCCA at the community level, with the support of Project/ARIS staff, include:

- Carrying out information and knowledge dissemination on the basics of community-level climate change adaptation activities and mechanisms;
- Conducting awareness campaigns to sensitize their communities on climate change adaptation and mitigation.
- Facilitating the Project, LSG to permanently change the behavior of local residents on climate change issues through training and awareness raising;
- Producing innovative ideas and solutions to promote a participatory approach and advance the climate change agenda through citizen engagement with the Project;

Community Workers will comply with the Code of Conduct adopted for the Project and utilize the developed ARIS BFM/GM described in Section 9 of this document to submit and address grievances.

## ANNEX 1. CODE OF CONDUCT TO BE ADHERED BY CONTRACTORS

**CODE OF CONDUCT TO BE ADHERED BY CONTRACTORS**

**Code of Conduct for Contractor's Personnel 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.

> **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.

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.

**REQUIRED CONDUCT**

Contractor's Personnel shall:

1. carry out his/her duties competently and diligently;
2. comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor's Personnel and any other person;
3. maintain a safe working environment including by:
    a. ensuring that workplaces, machinery, equipment and processes under each person's control are safe and without risk to health;
    b. wearing required personal protective equipment;
    c. using appropriate measures relating to chemical, physical and biological substances and agents; and
    d. following applicable emergency operating procedures.
4. report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. not engagein Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractor's or Employer's Personnel;

7. not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
8. not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
9. not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
11. report violations of this Code of Conduct; and
12. not retaliate against any person who reports violations of this Code of Conduct, whether to us or the Employer, or who makes use of the grievance mechanism for Contractor's Personnel or the project's Grievance Redress Mechanism.

**RAISING CONCERNS**

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

1. Contact [*enter name of the Contractor's Social Expert with relevant experience in handling 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): _____

**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.